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FEDERAL REGISTER

VOLUME 28 NUMBER 199

Washington, Friday, October 11, 1963

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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Miscellaneous Amendments

1. Basis and purpose. These amendments are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441 et seq.), the Soil Bank Act (7 U.S.C. 1801 et seq.), and the Food and Agriculture Act of 1962 (Public Law 87–703, approved September 27, 1962 and Public Law 87–801, approved October 11, 1962) for the purpose of: (1) Extending the sled row provision to include fire-cured (Type 21) tobacco and (2) modifying the requirement that notification of completion of disposition of excess acreage shall be given prior to the completion of harvest of the crop on the farm.

2. Section 718.2(m) (28 F.R. 8117) is amended to read as follows:

§ 718.2 **Definitions.**

* * * * *

(m) "Sled row" means a strip not planted to tobacco at least one normal row wide between strips of rows of flue-cured or fire-cured (Type 21) tobacco.

3. Section 718.5(f) (1) and (3) (28 F.R. 8117) are amended to read as follows:

§ 718.5 **Determination of crop and land use acreages.**

* * * * *

(f) *Deductions.* * * *

(1) *Minimum area requirements.* Three-hundredths (0.03) acre, except that for tobacco a minimum of one-hundreth (0.01) acre will apply to turn rows and to non-cropland areas which could not be planted to tobacco. Eligible areas in skip-row planting patterns which meet the applicable width requirements prescribed in paragraph (e) (2), (3), and (4) of this section and terraces, sod waterways, permanent irrigation and drainage ditches, and sled rows in flue-cured or fire-cured (Type 21) tobacco which meet the minimum width requirements of subparagraph (2) and (3) of this paragraph (f) may be combined to meet the 0.03 acre minimum area requirement.

* * * * *

(3) *Sled rows (flue-cured and fire-cured (Type 21) tobacco).* Minimum width, one normal row. The area included in sled rows shall be deducted provided there is not more than one sled row for each four rows of tobacco, except that where an acceptable sled row pattern has been followed in the field, a sled row nearest one edge of the field may be deducted even though it serves less than four rows.

4. Section 718.14(h) (1) (28 F.R. 8117) is amended to read as follows:

§ 718.14 **Adjustment of Acreage.**

* * * * *

(h) *Failure to notify county office of intent or completion of disposition of excess acreage or request for release of excess diverted acreage—(1) Notice of disposition.* If the farm operator or other producer on the farm failed to notify the county office of intent or completion of disposition of excess acreage in accordance with the provisions of paragraph (b) of this section, credit for disposition may be given for crops other than tobacco if the producer pays the cost of determining the acreage and establishes to the satisfaction of the county committee with the concurrence of a representative of the State committee that the crop on the excess acreage was in fact disposed of prior to the disposition date: *Provided, however,* That if a notice of farm marketing excess for cotton, rice, or wheat has been issued on the basis of such excess acreage, no credit for disposition of such excess acreage prior to the disposition date can be given unless application, in writing, to so establish such disposition, is filed with the county committee within 15 days after the mailing date of the farm marketing excess notice. The determination of the county committee, with the concurrence of a representative of the State committee, with respect to the application shall be evidenced by the issuance and mailing of a revised notice of farm marketing excess. In case of tobacco, the county committee may accept a notice of intention filed after the date specified on the notice of acreage upon receipt of satisfactory proof that the producer was prevented from notifying the county office by the date specified because of condition beyond his control.

(Secs. 374, 375, 52 Stat. 65, 66, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 7 U.S.C. 1374, 1375, 1421, 1153, 1812)

Effective date. The disposition of excess acreage has been and is now being carried out on farms throughout the United States. Evidence has been presented from various sections of the country that the present requirement is inconsistent with effective program administration. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that provisions of this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 8, 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63–10800; Filed, Oct. 10, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On August 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8415) stating that the Federal Aviation Agency proposed to alter the Grand Rapids, Mich., control zone, revoke the Muskegon, Mich., control area extension and designate a transition area at Grand Rapids.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Grand Rapids, Mich., control zone is amended to read:

Grand Rapids, Mich.

Within a 5-mile radius of Cascade Airport, Grand Rapids, Mich. (latitude 42°52′45″ N., longitude 85°30′30″ W.), and within 2 miles each side of the Grand Rapids ILS localizer E course, extending from the 5-mile radius zone to the OM.

2. In § 71.165 (27 F.R. 220–59, November 10, 1962), the Muskegon, Mich., control area extension is revoked.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Grand Rapids, Mich.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cascade Airport, Grand Rapids, Mich. (latitude 42°52′45″ N., longitude 85°30′30″ W.), within 5 miles N and 10 miles S of the 259° bearing from the Grand Rapids RR, extending from the RR to 12 miles W of the RR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by a line 6 miles N of and parallel to the centerline of V–216 E of the Muskegon, Mich., VORTAC, and on the W, S and E by the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude

43°10'16" N., longitude 86°14'09" W.), and a line beginning at latitude 42°54'35" N., longitude 86°13'00" W., extending to latitude 42°45'25" N., longitude 86°23'40" W.; to latitude 42°35'00" N., longitude 86°17'30" W.; to latitude 42°35'00" N., longitude 86°00'00" W.; to latitude 42°38'00" N., longitude 86°-00'00" W.; to latitude 42°38'00" N., longitude 85°15'00" W.; to latitude 43°16'00" N., longitude 85°15'00" W.; to latitude 43°16'00" N., longitude 85°02'00" W.; to latitude 43°27'00" N., longitude 85°02'00" W.

These amendments shall become effective 0001 e.s.t., November 23, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 4, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10771; Filed, Oct. 10, 1963; 8:45 a.m.]

[Airspace Docket No. 63-WE-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the description of the Cheyenne, Wyo., control zone and control area extension.

The Cheyenne control zone and control area extension are presently designated, in part, with reference to the Cheyenne radio range. The Federal Aviation Agency has converted this facility to a radio beacon. The action taken herein reflects this conversion in the description of the Cheyenne control zone and control area extension. Controlled airspace requirements for this area will be further reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Cheyenne, Wyo., control zone is amended to read:

Cheyenne, Wyo.

Within a 5-mile radius of the Cheyenne Municipal Airport (latitude 41°09'25" N., longitude 104°48'25" W.); within 2 miles each side of a 296° bearing from the Cheyenne RBN, extending from the 5-mile radius zone to 12 miles NW of the RBN; within 2 miles each side of a 090° bearing from the Cheyenne RBN, extending from the 5-mile radius zone to 11.5 miles E of the RBN; within 2 miles each side of the Cheyenne ILS localizer E course extending from the 5-mile radius zone to 10 miles E of the airport and within 2 miles each side of the Cheyenne VORTAC 032° radial, extending from the 5-mile radius zone to 10 miles NE of the VORTAC.

2. In § 71.165 (27 F.R. 220-59, November 10, 1962), the Cheyenne, Wyo., control area extension is amended to read:

Cheyenne, Wyo.

Within 5 miles each side of the Cheyenne VORTAC 032° radial extending from the VORTAC to 25 miles NE; the airspace bounded on the N by V-6, on the SE by V-207, on the S by V-138 and on the W by V-89E alternate; the airspace SE of Cheyenne within a 25-mile radius of the Cheyenne RBN extending clockwise from a 090° bearing to a 181° bearing from the Cheyenne RBN; and the airspace SW of Cheyenne bounded on the N by V-118, on the E by V-19 and on the SW by V-4N alternate.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 4, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10772; Filed, Oct. 10, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER D—TRADE REGULATION RULES

PART 400—ADVERTISING AND LABELING AS TO SIZE OF SLEEPING BAGS

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of §§ 1.61 through 1.71 of the Commission's rules of practice, procedures and organization, 27 F.R. 4611-12 (May 1962), has conducted a proceeding for the promulgation of a Trade Regulation Rule regarding deception resulting from advertising and labeling of the size of sleeping bags. Notice of this proceeding appeared in the FEDERAL REGISTER on February 19, and June 7, 1963 as proposed § 320.1 (28 F.R. 1561, 5619). In this rule-making proceeding the Commission has considered its findings and decision in Outdoor Supply Company, Inc., Docket 7482, 57 FTC 361 (1960), its orders to cease and desist entered pursuant to consent agreements in other adjudicative proceedings, the views expressed by interested parties in this proceeding, and all other relevant matters of fact, law, policy and discretion.

§ 400.1 The Rule.

(a) The Commission finds that: (1) Manufacturers and distributors have engaged in the practice of selling sleeping bags in commerce, as "commerce" is defined in the Federal Trade Commission Act, marked as to "cut size," i.e. the dimensions of the material used in making such sleeping bags, without disclosing the size of the finished products; (2) this practice has the tendency and capacity (i) to mislead and deceive purchasers into believing that the "cut size" represents the actual dimensions of the finished products, whereas the finished size of sleeping bags is in fact substantially smaller than the "cut size" of the materials from which they are made, a matter of primary importance to the consumer, and (ii) to divert business from competitors who clearly disclose the finished size of their sleeping bags; and that, therefore, (3) this practice constitutes an unfair method of competition in commerce, and an unfair and deceptive act or practice in commerce, in violation of section 5 of the Federal Trade Commission Act.

(b) Accordingly, the Commission hereby promulgates, as a Trade Regulation Rule, its findings and determination that in connection with the sale or offering for sale of sleeping bags, any representation of the "cut size" or the dimensions of materials used in the construction of sleeping bags, in advertising, labeling, marking or otherwise, constitutes an unfair method of competition and an unfair and deceptive act or practice, unless—

(1) The dimensions of the cut size are accurate measurements of the yard goods used in construction of the sleeping bags; and

(2) Such "cut size" dimensions are accompanied by the words "cut size"; and

(3) The "cut size" is accompanied by a clear and conspicuous disclosure of the length and width of the finished products and by an explanation that such dimensions constitute the finished size.

Example. An example of proper size marking when the product has a finished size of 33" x 68" and a cut size of 36" x 72", and disclosure is made of the cut size, is—Finished size 33" x 68"; cut size 36" x 72".

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

This rule becomes effective on November 12, 1963.

Adopted: September 18, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-10755; Filed, Oct. 10, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-70]

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Orange Juice and Orange Juice Products; Definitions and Standards of Identity; Findings of Fact and Final Order

In the matter of establishing definitions and standards of identity for orange juice, pasteurized orange juice, canned orange juice, sweetened pasteur-

ized orange juice, canned sweetened orange juice, concentrated orange juice, sweetened concentrated orange juice, reconstituted orange juice, sweetened reconstituted orange juice, and industrial orange juice with added chemical preservatives:

Notices of proposed rule making were published in the FEDERAL REGISTER of November 6, 1956 (21 F.R. 8511), and June 4, 1957 (22 F.R. 3893), setting forth proposals of Kraft Foods Company, 500 Peshtigo Court, Chicago, Illinois, the National Association of Frozen Food Packers, 1415 K Street NW., Washington, D.C., and the Commissioner of Food and Drugs for the establishment of definitions and standards of identity for orange juice and certain types of orange juice products. Subsequently, an order was published in the FEDERAL REGISTER of March 1, 1960 (25 F.R. 1770), promulgating identity standards for all the above-identified orange juice and orange juice products, except for industrial orange juice, the petition for which was denied. Objections to the order were filed asserting reasonable grounds for a public hearing on several issues, and an announcement was published on April 13, 1960 (25 F.R. 3159), staying the order. In response to a notice published in the FEDERAL REGISTER of December 2, 1960 (25 F.R. 12372), which set forth the issues, a hearing was held.

Based upon the evidence received at the hearing and having given consideration to the written arguments and suggested findings, the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare, published proposed findings of fact, conclusions, and tentative order in the FEDERAL REGISTER of October 27, 1962 (27 F.R. 10494) and invited exceptions thereto. After consideration of exceptions and written arguments received, some of which were adopted in whole or in part and some of which were rejected, the Commissioner, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371(e)) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), and on the reliable, probative, and substantial evidence in the whole record, orders the promulgation of the following findings of fact, conclusions, and definitions and standards of identity for the subject foods.

Findings of fact.[1] 1. The food commonly and usually known as orange juice is the natural liquid that is squeezed from mature oranges. Oranges generally used in producing orange juice are of the species Citrus sinensis. (R. 1839, 1840)

2. Fresh orange juice is not a suitable name for the commercially packaged expressed juice of oranges. The housewife who for many years has squeezed oranges knows this juice to be orange juice. The term "fresh" is ambiguous in that it is difficult to determine and to draw the line when a product is fresh and when it is no longer fresh. The use of the term "fresh" on commercially packed orange juice or orange juice products would tend to confuse and mislead consumers. (R. 859, 1843, 1844)

3. Orange juice is the raw material out of which all other orange juice products are made. In the commercial production of orange juice for these other products, there are several different types of extractors used in obtaining the juice from oranges. The juice as it comes from the extractors needs further treatment to remove seed, rag, excess pulp, and similar materials. This is usually accomplished by passing the juice through mechanical equipment known as "finishers." However, the embryonic seeds or bits of larger seeds accidentally broken during the extraction of juice may pass through the finisher with the juice. In noticeable numbers, they are objectionable to the consumer. It would be impracticable to impose a zero tolerance on seeds or fragments thereof in orange juice. It would not be contrary to consumers' interests to permit the inclusion of minute seed particles in orange juice, in amounts that cannot be removed by good commercial practice. (R. 518–522, 525–526, 536, 546, 552, 555, 1839, 1856, 1898–1899)

4. The evidence indicates that since 1959 orange juice has been commercially packed in containers, frozen, and used in preparation of other orange juice products for enhancing flavor. This frozen product is not packed in retail-size containers for consumer use, but in 3½- and 7-gallon containers. This frozen orange juice is normally used by the processor within a period of 12 months, and limited tests have not revealed any detectable change in identity within this time. Since this product differs from orange juice because it is sold in the frozen state a separate definition and standard of identity should be established for it. (R. 1848, 1892, 2103–2105, 2107–2108; Ex. 144, 167)

5. There are three general species of citrus fruits used in the manufacture of orange juice products: (1) Citrus sinensis (sweet oranges); (2) Citrus reticulata (mandarin oranges); and (3) Citrus aurantium (sour oranges). Most of the Citrus reticulata and Citrus aurantium are grown in Florida. However, 97 percent of the oranges used in Florida for commercial production of orange juice products are varieties of Citrus sinensis. The other 3 percent are of miscellaneous varieties including Murcott, King, Temple, Satsuma, Clementine, sour oranges, and tangerines. The single-strength unmixed juices of these miscellaneous varieties is not what the consumer knows as orange juice. Juice from tangerine oranges is tangerine juice. Juice from Satsuma oranges is Satsuma juice. These juices may have a legitimate purpose when blended into orange juice products, but they are not orange juice (see Finding 1). Likewise, the juice from Citrus aurantium, when used in limited proportions, serves a useful function in certain orange juice products. (R. 117, 118, 120, 125, 126, 1839, 1840, 2683, 2692, 2693; Ex. 116, 117)

6. The use of tangerine juice and other Citrus reticulata juices in the production of orange juice concentrate would aid in producing a product uniform in color as well as flavor. The ranges of Brix and Brix-acid ratios for mandarin oranges are practically the same as those for sweet oranges. All varieties of Citrus reticulata and hybrids thereof may have a legitimate use in limited amounts in products derived from orange juice. A reasonable maximum limit for the inclusion of juice from Citrus reticulata in other juice products is 10 percent by volume of the blended juices before concentration. The declaration of the juice of mandarin oranges as an optional ingredient on labels of orange juice products containing such juice would present great difficulties, because of the many hybrid varieties of these products. (R. 126, 129, 153, 154, 160, 169–171, 197, 198; Ex. 81(a), 109–113, 116, 117)

7. Sometimes juice from sour oranges is added in the manufacture of orange concentrates to adjust the acidity. Most of the distinctive aroma and bouquet of Citrus aurantium juice that would be undesirable in single-strength products is driven off in the evaporators, and therefore contributes little, if any, to the flavor of the finished product. The acidity of the juice from sour oranges is approximately four to six times that of sweet oranges. Late in the season the Brix-acid ratio of Valencia orange juice becomes higher than is desirable for making a quality concentrate. It is frequently necessary to blend substantial quantities of lower-ratio concentrate in order to adjust to a lower and more desirable ratio. Citrus aurantium juice is needed if the supply of low-ratio Citrus sinensis bulk concentrate is exhausted. The quantity of such juice, when used, is normally from 1 percent to 5 percent of the blended juices before concentration. (R. 206, 1263, 2670–2678, 2681, 2682; Ex. 109–113)

8. A new product has been developed within recent years and sold as "orange juice" or "fresh orange juice," largely in dairy-type cartons. The new product is distinctly different from what has been historically known to the consumer as orange juice. The new product has been heat-treated to retard deterioration; the pulp has been adjusted, as has been the oil content; a part or all of it may have been frozen; and it may have had concentrated orange juice added to it. Since this is a newly developed product, it requires a name of its own. Testimony was presented to show that this product, as well as other single-strength orange juice products, has been sometimes referred to in the citrus industry as "chilled orange juice"; also, that there are U.S. Department of Agriculture grade standards for this product under the name "chilled orange juice." However, the product referred to as "chilled orange juice" can be prepared in several ways. The word "chilled" in the name "chilled orange juice" is not really meaningful to consumers, and chilling is not the significant difference between orange juice and this new product. Both may be chilled, and the word "chilled" unqualified implies that this is freshly ex-

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

pressed orange juice preserved by refrigeration. The feature that distinguishes one from the other is that orange juice has not been heat-treated; whereas, the new product has been heat-treated. This affects the taste and differentiates this food from orange juice as known to ordinary consumers. The term "chilled juice" is meaningful only in the trade. (R. 709(k), 709(l), 1364–1365, 1863, 1895)

9. The heat-treated orange juice product referred to in Finding 8 is made by the manufacturing process as commonly used for single-strength products. First, a determination is made of the Brix-acid ratio of the oranges. Oranges with varying characteristics are blended in an effort to get a finished product having the desired final composition. The oranges are passed through mechanical extractors to separate the liquid and pulp portions of the orange from the peel. The pulp and juice from the extractors is passed through mechanical strainers known as "finishers," which, among other things, remove some of the pulp. One or more of these finishers may be used to recover as much juice from oranges as is commercially possible. In many cases the juice is then passed through a deoiler or a deaerator or both. At this point the juice may be frozen and stored at very low temperatures for use later in the season, or it may be heated and quickly cooled to improve stability. The heated juice may be frozen and stored at very low temperatures, or it may pass on immediately to further steps, which may include blending with other batches of similar juice, with frozen heated or unheated juice, or with concentrated juice. This is followed by chilling, packaging, and distribution. The details and sequence of the manufacturing steps vary from one plant to another and vary within a plant, depending upon the availability of juices and concentrates for blending, cost, etc. (R. 253, 1855–1860, 1892, 2167; Ex. 161)

10. The primary purpose of heat-treating orange juice is to inactivate the enzyme pectinesterase. A secondary purpose is to reduce the number of micro-organisms. This is done to impart the necessary keeping qualities, and the heat treatment is called pasteurization. Generally, the temperatures required to inactivate enzymes are higher than those required to kill micro-organisms. The time and temperature may vary, depending upon the type of pasteurizer used. However, testimony was given that in a typical process the orange juice is heated for 12 seconds at 170° F.–183° F. and then cooled to 31° F. The entire time lapse is 20 to 22 seconds. When the enzymes in orange juice are not inactivated they tend to promote chemical reactions that result in undesirable changes, notably the separation and precipitation of the cloudy material. The principal difference between pasteurized or heat-treated orange juice and the product "orange juice" is the taste, stability, and keeping quality of the former. The identifying terms that are suitable for distinguishing this product from other orange juice products are "pasteurized," "heat-processed," and "heat-stabilized." (R. 253, 709, 1861, 1863, 1864)

11. There are at present two forms of frozen single-strength orange juices sometimes used in the manufacture of pasteurized orange juice. Sometimes the orange juice is heat-treated before freezing and storing. At other times it is heat-treated after storage and thawing. It may be in storage up to 12 months. Scientific experts studied the problem of the change of identity for single-strength orange juice that had been frozen, stored, and defrosted, and concluded that there was no change in the product. Other experts in this field, on the basis of their studies, questioned the above conclusion. Changes in relation to flavor, vitamin C content, stability, etc. that may take place in the frozen orange juice during low temperature storage are smaller in magnitude than those that customarily take place in the finished product during the first day or so of shipment and distribution under refrigeration. Considering all the testimony on this point, it is concluded that freezing and thawing single-strength orange juice does not change its identity. (R. 794, 1060–1064, 1068, 1070, 1073–1075, 1078–1080, 1082–1085, 1089, 1094–1096, 1244–1247, 1264–1265, 1384, 2017–2019, 2452–2478; Ex. 141)

12. Maturity standards, as defined in the Florida Citrus Code, require that oranges to be used for making concentrated orange juice and other processed orange products shall have not less than 8.0 percent soluble solids and not less than the Brix-acid ratio prescribed by a sliding scale, the lowest value of which requires a ratio of 8.5 to 1. Section 795.1 of the Agricultural Code of California states that oranges shall not be considered mature unless the juice has a Brix-acid ratio of at least 8.0 to 1. There is no California State law prohibiting processors from using oranges that do not meet the State maturity standards. Orange juice made from oranges just meeting the minimum maturity standards is not acceptable to drink as orange juice, as the average consumer knows it. However, because of freezing weather it sometimes becomes necessary to pick fruit in advance of its attainment of minimum Brix and Brix-acid ratio requirements. Such fruit, if it complies with all other maturity requirements, would be suitable for preparation of orange juice products intended for manufacturing bases for orange-flavored drinks or similar articles in which added sweeteners, and often added citric acid, are normal ingredients. It is reasonable to provide that the products orange juice for manufacturing, orange juice with preservative, concentrated orange juice for manufacturing, and concentrated orange juice with preservatives may be prepared from low Brix and low Brix-acid ratio fruit because such products are intended for further processing.

In establishing a reasonable definition and standard of identity for the heat-stabilized orange juice product in the consumer's interest, it is necessary to establish certain minimum requirements for the composition of this product. The record reveals that the following figures fulfill these requirements: That the amount of orange juice soluble solids be not less than 10.5° Brix, and that the Brix-acid ratio be not less than 10 to 1. The juice of many legally mature oranges that come on the market would not meet these requirements. However, most fruit used in preparing the product would meet them. When legally mature fruit of low Brix or Brix-acid ratio is used, these factors may be adjusted by adding frozen single-strength juice or orange juice concentrate. The composition of this product as it is presently manufactured generally meets or exceeds these requirements. The addition of orange juice concentrate to adjust the orange juice soluble solids modifies the identity of the product. However, where not more than one-fourth of the total orange juice solids are contributed by the addition of orange juice concentrate it would not be sufficient to change the identity to that of some other product. In adjusting these orange juice soluble solids, it is not necessary to restrict the concentrate that may be added to that which is 41.8° Brix. It would not be in the interest of consumers to permit the addition of reconstituted orange juice (with its added water) to this product. (R. 427, 437, 461, 463, 830, 832, 1867–1870, 1884, 2621–2624, 2638, 2641 2645; Ex. 3, 78, 80, 81, 121, 144)

13. There was substantial evidence (see Finding 11) that frozen, stored, and thawed single-strength orange juice is not a different identity from orange juice. For this reason, it is unnecessary to require label declaration of its use as an optional ingredient in pasteurized orange juice or in any other orange juice product. However, the addition of orange juice concentrate to pasteurized orange juice does modify the identity of the product sufficiently to require label declaration of the orange juice concentrate as an optional ingredient. It would not be feasible to provide, in a regulation, different labeling requirements to reflect the amount of concentrate used. (R. 943, 958–959, 962, 981, 996, 1003, 1254, 1871, 2024, 2027–2029; Ex. 103–105)

14. Canned orange juice is a well-recognized product of long standing. It is prepared by extracting the juice from oranges and passing it through a finisher or a series of finishers to remove seeds and excess pulp. The excess oil is also removed. However, it is not considered contrary to the promotion of honesty and fair dealing in the interest of consumers to provide for the addition of orange oil or orange pulp (other than washed or spent pulp), or both, to orange juice deficient in these constituents. The most significant difference between canned orange juice and pasteurized orange juice is the stability of the product. Canned orange juice is hermetically sealed to prevent contamination with micro-organisms. It is heat-treated before or after being sealed in containers in order to yield a product that does not require refrigeration to prevent spoilage. (R. 517, 1876–1880)

15. Canned orange juice is not adjusted by the addition of orange juice concentrate as is pasteurized orange

juice. The packer of canned orange juice ordinarily has only a very limited opportunity to adjust the Brix of his product by blending oranges. However, it is reasonable to permit the canner to blend into his product orange juice previously extracted, frozen, and stored prior to use (see Finding 11). To promote the interest of consumers, there is a need for the standard to prescribe a minimum Brix requirement. A minimum of 10° Brix is a reasonable requirement. The juice extractable from some lots of legally mature oranges will fall below 10° Brix. It is customary for canners to add a sweetening ingredient to compensate for the Brix deficiency of such juice. The Brix-acid ratio is a very significant characteristic of a citrus product. The standard should prescribe a minimum Brix-acid ratio. The United States standards for grades of canned orange juice prescribe a minimum Brix-acid ratio of 9 to 1 for unsweetened canned orange juice. Although a ratio lower than 10 to 1 makes a very tart juice, it is reasonable to establish the identity of canned orange juice at a minimum Brix-acid ratio of 9 to 1. It is also reasonable to permit the canner to adjust very tart juice by adding a sweetening ingredient. In any event, if the finished canned orange juice contains an added sweetening ingredient consumers should be informed of that fact by label declaration. A proper way to declare the presence of the sweetener added for this purpose is "_____ added to reduce tartness," inserting in the blank the name of the sweetener added or, alternatively, the word "sweetener." (R. 133, 362, 363, 365, 367, 377, 398–402, 407, 408, 480–482, 1546, 1547, 1555, 1879–1880; Ex. 81, 140)

16. In the deoiling and deaerating process commonly employed for canned orange juice, volatile flavors along with oil and some water are removed to some extent in the vacuum distillation. The extent of water removal depends on the temperature and vacuum employed and efficiency of the equipment. It is considered good manufacturing practice to add back to the juice the condensate separated from the oil, thus augmenting the flavor of the juice. (R. 2587–2589)

17. The Food and Drug Administration directed its field offices over the country to obtain an accurate and comprehensive picture of the merchandising practices of the orange juice industry. As a result of this nationwide investigation, it was found that most of the States and municipalities have no laws, regulations, nor ordinances specifically applicable to orange juice products. All the States have general food laws which to some extent enable them to cope with the misbranding and adulteration of orange juice and orange juice products. The problem most encountered by the States is the adulteration of orange juice products with water and sugar. The next most frequent problem is misrepresentation of reconstituted orange juice and of pasteurized orange juice as fresh orange juice. The investigation further showed that even managers of retail food stores over the country are confused concerning the identity of various single-strength orange juice products. There is general confusion in this area. Investigation of processors of dairy-type pasteurized orange juice and reconstituted orange juice, i.e., products made or sold through dairies, showed a wide difference in labels for products of similar composition. For example, five firms made the same product from orange juice concentrate and water, but labeled it under names ranging from "fresh orange juice" to "reconstituted orange juice." Other firms produced a reconstituted juice to which sugar had been added, but made no reference to the added sugar on the label. (R. 1569–1570, 1572–1577, 1581–1584, 1589–1615, 1618–1649, 2165–2166, 2170–2176, 2206–2209; Ex. 3, 114, 119–138, 159)

18. Reconstituted orange juice differs from orange juice in many respects. It is made from orange juice concentrate. It contains added water, and parts of it, if not all of it, have been subjected to heat-treatment. It is necessary to establish a minimum requirement for the percentage of orange juice soluble solids in the standard of identity for this product, especially since water is being added. A reasonable and practical requirement is 11.8° Brix. This product will then be comparable to the product prepared in the home by the consumer, from concentrate. The standard of identity should provide that the product may be heat-treated, either before or after reconstitution. The names "reconstituted orange juice" and "orange juice from concentrate" are truthful, meaningful, and accurate designations for this product and are presently being used by some firms. (R. 719–721, 764–800, 842, 845, 879, 1013, 1870, 1872–1874, 1876, 1921, 2031; Ex. 121, 122, 138)

19. Nutritive sweeteners added to orange juice products have an effect on the Brix-acid ratio; i.e., sweet to tart taste, within the normal range of orange juice. The addition of sugar or other nutritive sweeteners modifies the identity and, depending upon the extent of that modification, might even change the identity into a distinctly different product. Processors use sweeteners to compensate for a natural deficiency in sugars relative to the acidity in particular lots of orange juice, and the sweeteners are added only to the extent of compensating for that deficiency. For reconstituted orange juice, the minimum fruit solids should be 11.8° Brix, which is comparable to the product the housewife reconstitutes for herself. Sugar, invert sugar, dextrose, dried corn sirup, and dried glucose sirup are suitable sweetening ingredients for addition to pasteurized orange juice and canned orange juice. Liquid sweetening ingredients should not be used in making pasteurized orange juice or canned orange juice because such use would result in the indirect addition of water. The consumer should be informed by appropriate labeling that a sweetening ingredient has been added. The presence of added sweeteners in orange juice products should be so declared on labels as to inform consumers that the product contains an added sweetening ingredient but without naming the article as a sweetened orange juice product, since it is the practice of industry, when using a sweetener, to add it in small proportions to bring the sweetness within the range found in average oranges, and it is not the practice to sweeten the products above the upper limit of the normal range of oranges. It is reasonable to provide that the addition of any optional sweetening ingredient be shown on labels by a statement "_____ added to reduce tartness" the blank being filled in with the name of the sweetening ingredient; for example, "sugar" or "dextrose" or "dried corn sirup". In lieu of the specific name of the sweetening ingredient the general designation "sweetener" is suitable. If an orange juice product does not contain an added sweetener, the packer may, at his option, put the word "unsweetened" on the label. (R. 105, 658–662, 1881–1884, 1914, 1932–1933, 2089–2090; Ex. 3)

20. No complaints are reported in the record that the consuming public has objected to the taste of canned orange juice to which sugar has been added. There was some testimony that consumers have shown a preference for the canned orange juice product labeled "unsweetened" over the product labeled "sugar added," but industry has found no trouble, from the taste standpoint, in marketing either product. Testimony was given on the use of calcium cyclamate (calcium cyclohexylsulfamate) as an artificial sweetening ingredient in canned orange juice. It would be added to a tart-tasting juice to suppress the effect of the citric acid and give a sweet taste equivalent to an acceptable Brix-acid ratio, thus making the juice appear to be of higher quality. An artificial sweetener is a chemical substance that has the power of sweetening but does not provide food energy or calories. Canned orange juice was not proposed as a special dietary food. It will not promote honesty and fair dealing in the interest of the consumer to provide for the use of calcium cyclamate as an artificial sweetening ingredient in canned orange juice. (R. 2118, 2121–2124, 2127–2130, 2150–2151, 2184, 2187, 2193–2194, 2196, 2207–2209, 2212, 2222–2223, 2232, 2237–2238, 2242, 2252, 2254, 2258; Ex. 172–175)

21. Orange oil is a natural constituent of orange juice. However, if oil obtained from an extraneous source is added to raise the oil level naturally occurring in the juice, such added oil is an optional ingredient in that product. A number of conditions influence the level of oil in the extracted juice: The condition of the fruit, its temperature when processed, and the processing methods used. Testimony showed that there is often a need for addition of high-quality orange oil to reconstituted orange juice, since the concentrate from which it is prepared may be low in oil content. Testimony given on the production of pasteurized orange juice and canned orange juice indicates that there is no significant commercial practice of adding orange oil to these products and rarely a need for such addition. For that matter, juice intended for use as pasteurized orange juice or canned orange juice is usually run through a deoiler to remove excess oil prior to final processing and

packaging. However, for articles other than orange juice and frozen orange juice found to be deficient in orange oil it is not considered to be in conflict with the promotion of honesty and fair dealing in the interest of consumers to provide for the optional addition of orange oil. (R. 1855–1860, 1876–1880, 1884–1886, 1921, 2001, 2584–2586, 2599)

22. Orange pulp prepared in several ways has been used commercially in orange juice products. One method of varying the pulp content of a juice is by varying the size of openings in the finishers. This is the usual procedure followed for orange juice and frozen orange juice. The need for addition of pulp from other sources is not present here. On the other hand, depending upon the technical problems and marketing requirements, optional addition of pulp to other orange juice products is a common commercial practice. Another method of adjusting pulp is by separating it from juice at the time of concentration, heat-treating it to inactivate the enzymes, draining it to remove more juice, and adding it back to the concentrate. Or it may be packaged and frozen separately for later use to meet varying marketing requirements. Such pulp does not resemble that pulp derived from hand-squeezed juice, since the pumps and finishers alter its appearance. However, for orange juice products other than orange juice and frozen orange juice, which are often prepared in final form elsewhere than at the plant where orange juice is extracted, it is not considered as in conflict with the promotion of honesty and fair dealing in the interest of consumers to adjust the pulp content by adding pulp. Still another method of obtaining pulp involves saving the spent pulp that consists of exhausted juice cells and connective tissue resulting from the washed pulp process (see Finding 27). The addition of such washed or spent pulp to orange juice products is not in the interest of the consumer because it makes the product appear to be better or of greater value than it actually is. (R. 1915–1918, 2591–2596, 2606–2613, 2702, 2703, 2935)

23. "Orange essence" is a generic term describing the volatile flavoring constituents in orange juice. Nearly all these volatile flavoring constituents are unavoidably removed in the production of concentrated orange juice by evaporation. The resulting concentrate as it comes from the evaporator has a flat taste. Presently the industry compensates for this loss of flavor by adding unheated, "cut-back" single-strength orange juice, orange oil, and sometimes "orange essence." A substantial portion of the volatile flavoring constituents of orange juice is found in orange oil.

The testimony revealed that there are three methods of obtaining volatile orange flavors and aromas. In one method the volatile flavoring components that have escaped from the orange juice in the evaporator are recovered from the water vapor and concentrated as orange essence. The second method of preparing orange essence is by volatilizing a portion of orange juice prior to its entry into the evaporator system. The vapors are condensed and the volatile flavoring constituents stripped from them. Such volatile flavoring constituents are then returned to the juice after any heat treatment or evaporation of the juice. Sometimes the "cut-back" juice added to concentrated orange juice products is rather low in volatile flavoring constituents. This deficiency can be partially remedied by adding orange oil or by adding such oil plus a quantity of "orange essence. Such use of orange essence helps to achieve a product of more uniform quality, in the interest of the consumer. In the future it may become possible to substitute orange essence for unheated "cut-back" juice in the manufature of orange juice concentrate. If this can be perfected, a product of better shelf life may be provided the consumer. There is no need to add orange essence to single-strength orange juice products. A method of preparing so-called orange essence consists of grinding up the orange peel from the juice extractors and mixing it with water. This mixture is pressed and from it there is separated an article consisting of oil, peel, juice, and other components that were never present in orange juice. This article has sometimes been termed orange essence. It is not in the interest of consumers to permit the use of this so-called orange essence made from orange peel or other orange byproducts. (R. 1887–1889, 2588–2590, 3148, 3151, 3152, 3154, 3155, 3157–3161, 3165–3171, 3176–3181, 3237, 3255, 3257–3260, 3296–3303; Ex. 100, 202–207)

24. Benzoate of soda (sodium benzoate) was used as early as 1925 as a preservative to inhibit fermentation in orange juice products. In the last 5 years nearly 2 million gallons of single-strength orange juice containing preservatives have been used for making beverage bases. Such orange juice with preservative is sold in 3½-, 7-, 50-, and 55-gallon containers. The single-strength orange juice may be heat-treated, after which the chemical preservative is added. For sodium benzoate, 0.2 percent is used to accomplish the intended results. Taste tests made with finished orange beverages containing various amounts of sodium benzoate showed that 0.06 percent is the maximum that can be used without injuring the flavor. More than that amount causes a burning sensation on the palate of the tasters. Orange juice containing 0.2 percent sodium benzoate is not suitable for direct consumer use because of the excessive burning or "hot" taste. Because of the industry practice of adding sorbic acid or sodium benzoate as a preservative in concentrated orange juice with preservative (see Finding 25), such product being intended for uses similar to that of orange juice with preservative, it is reasonable to also provide for use of sorbic acid, at a level not to exceed 0.2 percent, in the single-strength orange juice with preservative. Tests are being made with other preservatives but are not specifically described by testimony to determine their effectiveness in inhibiting fermentation and no provision can be made for them. Label designation of the preservative ingredient to conform with the requirements of section 403(k) of the Federal Food, Drug, and Cosmetic Act and in terms showing the percentages of the preservative in the food is an established labeling practice. "Orange juice with preservative" would be a proper name for the food when containing either sodium benzoate or sorbic acid. (R. 2272–2278, 2294–2299, 2300; Ex. 176)

25. Some concentrated orange juice products containing preservatives have been sold within a Brix range of 22° to 72°. It is reasonable to provide a minimum of 20° Brix in the standard of identity for concentrated orange juice with preservative. Thus the concentration of this article will correspond to the concentration of concentrated orange juice for manufacturing. Testimony was given that these concentrated orange juice products containing preservatives have never been sold in the frozen state, in retail-size containers, or to retail outlets. They are used primarily as a source of flavor and fruit solids and for enhancing the appearance of the finished beverage. Tests show that it is necessary to add up to 0.2 percent benzoate of soda to the concentrate, depending upon the degree of concentration, to inhibit spoilage. Label designation of the preservative is an established practice. The only reference to other preservatives was testimony that in Florida, during the 4 years preceding the hearing, approximately 600,000 gallons of orange juice with added chemical preservatives were produced. Benzoate of soda and sorbic acid were the preservatives used. The preservatives were used at a level of 0.2 percent. As in Finding 24, label designation of the preservative ingredient to conform with the requirements of section 403(k) of the Federal Food, Drug, and Cosmetic Act and in terms showing the percentage of the preservatiive in the food is an established labeling practice. "Concentrated orange juice with preservative" would be a proper name for this food. (R. 2279–2290, 2295, 3057, 3058; Ex. 177)

26. Shipments of single-strength orange juice and concentrated orange juice preserved with sulfur dioxide have been exported. Sulfur dioxide is not added as a chemical preservative in single-strength orange juice and concentrated orange juice for use in this country. Orange juice products preserved with sulfur dioxide may be exported in accordance with section 801(d) of the Federal Food, Drug, and Cosmetic Act, even though sulfur dioxide is not listed in the standard. The record does not establish that it will promote the interests of consumers in this country to provide in the standard of identity for "orange juice with preservative" for adding sulfur dioxide as an optional preservative ingredient. (R. 2295–2296, 2299, 2300, 2312; Ex. 177)

27. During recent years, the trend has been to increase the yield of juice from a standard box of oranges. This has been accomplished by more vigorous methods of extraction, separation of pulp from extracted juice, and removal of the remaining juice from the pulp by the use of one or more finishers employing

pressure. This increase in yield adversely affects the quality of the resulting products. When the pressure on a finisher is increased, the pulp becomes comminuted and the juice that is forced through the screen contains finely ground pulp and considerable amounts of pectin. Although this juice is identified as orange juice, it is not orange juice in the sense that that term is normally understood. To avoid to some extent the undesirable properties of juice coming from finishers exerting excessive pressure, a counter-current flow technique was developed to extract the juice from the pulp by the use of water. This method gives a product of better quality than second finisher juice and it produces a slightly higher yield. Water is introduced into the pulp and the mixture is screened through several finishers, where the juice remaining in the pulp is "washed" away. This diluted orange juice is mixed with undiluted juice from the primary finisher going to the evaporators for concentration. The volume of water used is about the same in weight as the pulp. This added water is removed in the evaporator in making concentrated orange juice, and this is a costly operation; however, industry witnesses from Florida and California assert that the increase in yield and quality make the operation worthwhile. Comparative analytical studies were made on concentrated orange juice products manufactured by the washed-pulp process and the mechanical pressure process, the two alternative processing steps by which the soluble solids of the orange pulp may be recovered for conversion into concentrate. The product made by the water-extraction process was about half as viscous as the product made by the mechanical-pressure process. The vitamin C content was essentially the same for both products.

Results of taste-panel tests on samples of reconstituted orange juice prepared from concentrates made by both processes showed that the commercial washed-pulp process produced a product equal to or better than the product produced by the mechanical-pressure process. From the evidence in the record, the interests of consumers do not require that orange juice products prepared in part from water extract of orange pulp should be labeled to show this fact. (R. 2711–2735, 2737–2738, 2742, 2746–2747, 2751–2753, 2757, 2759, 2767–2768, 2792–2795, 2825–2829, 2831–2862, 2901–2912, 2938–2962; Ex. 180–182, 187–189, 191A–191B, 193A–193C, 194–195, 200)

28. Testimony was given by Florida processors that it would not be in the interest of consumers to promulgate a Federal standard of identity for frozen concentrated orange juice that would be superimposed upon the strict standards already enforced in the State of Florida. They assert that doubt and confusion would be created in the Florida industry by the establishment of such a Federal standard and, further, that such Federal standard might serve to hinder future development of this product. Testimony revealed that the Florida Citrus Commission Regulation No. 22 provides that no citrus fruit or products thereof shall be processed except in the presence of a U.S. Department of Agriculture inspector or without his previous consent. Such inspection is carried out under inspection service arranged under contract between the Agricultural Marketing Service and the State of Florida Department of Agriculture. In the 1959–60 season, Florida produced 66,200,000 gallons of the retail-type concentrate, and 1,000,000 gallons of the same product was produced elsewhere. An industry witness acknowledged, however, that Florida has no control over orange juice concentrate once it leaves the State of Florida, and that a product labeled "substandard" could be relabeled after leaving the State. An industry witness acknowledged that the statement "concentrated orange juice is the food prepared by removing water from the juice of mature oranges" is sufficiently broad to permit further improvements and technological advances in the development of the concentrating process. There was some concern whether the citrus industry could pursue the same type of research and to the same extent if a Federal standard of identity were established. However, several agreed that § 3.12 (currently § 10.5) of Title 21 of the Code of Federal Regulations on temporary permits for experimental packs of food varying from requirements of definitions and standards of identity would permit further research and development. A limited market survey was made by the Food and Drug Administration for the purpose of determining whether there were on the market products that purported to be frozen concentrated orange juice packed in retail-size containers but which were in fact some other product. Products that purported to be frozen concentrated orange juice but that were really a concentrate for orange juice drink were found in two large cities in Southern California. These products were labeled in part "quick frozen concentrated orange juice product" or "frozen orange concentrate." All had been stocked for from 8 months to 5 years. These products were stored side by side with frozen concentrated orange juice in the retail market freezer. This Food and Drug survey shows that there are on the market products that purport to be concentrated orange juice and accentuates the need for a Federal definition and standard of identity for that product. It is clear that the Florida authorities have no control of activities beyond the State's borders. Testimony revealed that bulk concentrate could be purchased in Florida and repackaged easily and economically elsewhere. Most frozen concentrate is packed in Florida. However, California and Texas processors pack a substantial amount that would be beyond the control of the Florida Citrus Code. (R. 2331–2335, 2349, 2397, 2415–2416, 2430–2431, 2434–2435, 2440, 2968–2971, 2998–2999, 3034–3037, 3051–3052, 3054–3056, 3311–3317, 3320–3322, 3371, 3378–3386; Ex. 144, 179, 197–199)

29. Frozen concentrated orange juice consists of a blend of selected orange juice and may contain several other related ingredients, including other frozen concentrates, packed during different seasons and perhaps at other places. Refined orange oil and orange essence may be added. The finely divided pulp present is adjusted to whatever level is called for. Fractions or all of the product may be heated before blending, and washed-pulp extract or second finisher liquid may be among the components used. The resulting product when properly diluted makes a beverage that resembles and substitutes for fresh orange juice, but it has an identity of its own. (R. 2353, 2402–2407, 3311–3314)

30. "Addback" is the name given to concentrated orange juice packed in bulk 55-gallon drums for later reprocessing. Approximately 20 percent of the frozen concentrate packed in retail-size containers during the 1959–60 season was reprocessed from bulk "addback" which had been stored in a frozen condition. The 55-gallon drums of concentrated orange juice are removed from storage, allowed to soften by standing at room temperature, and emptied into a hopper. A layer of approximately 1 gallon of concentrate remains on the plastic liner of the drums. A stream of water is sprayed over the interior of the drum to flush the adhering concentrate into the hopper. This diluted concentrate may pass through the evaporator or go directly to the blend tank and be incorporated into the final product. During the 1959–60 season, over 13 million gallons of concentrate were reprocessed in this manner. If the drums were not washed out with water, some three-quarters of a million dollars would be added to the annual cost of producing concentrate, thus raising the price to consumers accordingly. (R. 2951, 2962–2973, 3136)

31. For the past 15 years, the housewife has come to recognize the name "frozen concentrated orange juice" as meaning the product to which she adds three volumes of water to obtain reconstituted orange juice. Therefore, the unqualified name "frozen concentrated orange juice" should reflect the product with which she is familiar. In all probability, a consumer product having a different, and very likely a higher concentration, will become available. However, when that product is ready for sale, it should have some distinguishing name that will set it apart from the product already known as "frozen concentrated orange juice." This can be done by indicating, as a part of the name, the number of cans of water necessary to reconstitute the can of concentrate. (R. 3034–3037, 3315, 3316)

32. The amount of orange juice soluble solids in the reconstituted product made by the consumer from orange juice concentrate ranges from 11.8 percent to 12.4 percent. The approximate average of the soluble solids in the Florida orange juices available for processing is 11.8° Brix. For several reasons the industry adopted a concentrate in consumer-sized containers of about 42 percent orange juice soluble solids or 42° Brix. First, it was desirable to have as high a degree of concentration as was then practicable in order to achieve savings

in freight, storage, and container costs. Second, the Brix value was selected with the thought that reconstitution should be based on the addition of a whole number of cans of water in the interests of preventing confusion on the part of consumers in using this new product. This resulted in the selection of a concentrate to be reconstituted by the addition of three parts of water, now described as three-plus-one concentrate. Thus the selection of a specific Brix value for the three-plus-one concentrate was based on the average Brix value for orange juice, and the figure of approximately 42° Brix was derived. In practice, this may vary from 41.8° to 44.0° Brix. When diluted with three volumes of water, reconstituted juice ranging from 11.8° to 12.4° Brix results. The three-plus-one reconstitution factor for concentrate in small size cans has had wide consumer acceptance and understanding of how to use it. Since the housewife is now familiar with that product, other products of different levels of concentration when offered to the consumer should be plainly labeled to indicate that difference. It would reduce confusion if the products were concentrated to such levels that they can be reconstituted by addition of whole numbers of volumes of water, e.g., four-plus-one or five-plus-one, or be made up to a standard volume, for example, 1 quart. The soluble orange juice solids of the reconstituted juice should in no case be less than 11.8 percent. (R. 2322, 3034–3036, 3314–3316, 3371)

33. California processors of concentrated orange juice find it desirable to add sugar to orange juice concentrate when they are using California oranges that have a low Brix-acid ratio. The addition of sugar to frozen concentrated orange juice for the purpose of adjusting the Brix-acid ratio would modify but not destroy its identity. This then would not require that a different standard of identity be established but rather that a label declaration indicate that sugar or other sweeteners have been added. Frozen concentrated orange juice to which a sweetener is added should have the same orange juice soluble solids as that product to which no sugar or other sweetener has been added. If the orange juice soluble solids were less in the concentrate with sweetener than in concentrate without sweetener having the same dilution factor it would cause the consumer to over-dilute the orange juice concentrate and thus make a product that is not reconstituted orange juice nor even a sweetened reconstituted orange juice, but a watered reconstituted orange juice. (R. 663–673, 680, 684–688, 3318, 3320–3322, 3340)

34. Under the laws of Florida, a special experimental permit was given for packing a "four-plus-one" frozen concentrated orange juice for distribution to institutions to be reconstituted by the addition of four parts of water to one part of the concentrate product. The product proved successful. The Brix of this concentrate is 50.6° and it reconstitutes to 11.8° Brix. (R. 2382, 2383, 3034–3036)

35. During the 1959–60 season in Florida, there were produced over 9 million gallons of concentrated orange juice for further processing. The concentration of these products varies from 33°–72° Brix, most of it being above 42° Brix. There are approximately 50,000 to 100,000 gallons of 33° Brix orange juice concentrate produced annually in Florida. Orange juice concentrates ranging from 25° Brix–72° Brix are made for sale to producers of pasteurized orange juice and to the beverage base and flavors trade for further manufacture. The concentrates that range from 25° Brix–65° Brix are frozen and packed in 3½- and 7-gallon containers and 50- and 55-gallon drums. The product of 65° Brix or higher is held under refrigeration but not frozen. A minimum orange juice solids content of 20° Brix was suggested for such concentrated orange juice. The users of concentrated orange juice products for further processing need to know the concentration of orange juice solids in the products as they purchase them. It is customary in the citrus industry to express the concentration of orange juice soluble solids in terms of the degrees Brix of the product. It is reasonable to specify in the standard for concentrated orange juice for manufacturing that the label shall name the product "concentrated orange juice for manufacturing _____" or "_____ orange juice for manufacturing," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees Brix. (R. 2331–2333, 2346, 2361, 2389, 2390, 2621, 2631, 3054–3056, 3313, 3314; Ex. 179)

36. Testimony was offered with respect to canned heat-processed concentrated orange juice for consumer use. The Brix requirements in a standard of identity for such a product should be the same as that for frozen concentrated orange juice. The name for this canned concentrate would be "canned concentrated orange juice," and the word "canned" would not necessarily have to be on the label if the product did not purport to be frozen concentrated orange juice. (R. 3040, 3314, 3327, 3339–3348, 3369–3371)

Conclusions. On the basis of the foregoing findings of fact, and taking into consideration the substantial evidence of the entire record, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish definitions and standards of identity as follows:

§ 27.105 Orange juice; identity.

(a) Orange juice is the unfermented juice obtained from mature oranges of the species Citrus sinensis. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) and excess pulp are removed. The juice may be chilled, but it is not frozen.

(b) The name of the food is "orange juice." The name "orange juice" may be preceded on the label by the varietal name of the oranges used, and if the oranges grew in a single State, the name of such State may be included in the name, as for example, "California Valencia orange juice."

§ 27.106 Frozen orange juice; identity.

(a) Frozen orange juice is orange juice as defined in § 27.105, except that it is frozen.

(b) The name of the food is "frozen orange juice." Such name may be preceded on the label by the varietal name of the oranges used, and if the oranges grew in a single State, the name of such State may be included in the name, as for example, "California Valencia frozen orange juice."

§ 27.107 Pasteurized orange juice, heat-processed orange juice, heat-stabilized orange juice; identity; label statement of optional ingredients.

(a) Pasteurized orange juice, heat-processed orange juice, heat-stabilized orange juice is the food prepared from unfermented juice obtained from mature oranges as specified in § 27.105, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species Citrus reticulata or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted in accordance with good manufacturing practice. If the adjustment involves the addition of pulp, then such pulp shall not be of the washed or spent type. The solids may be adjusted by the addition of one or more of the optional concentrated orange juice ingredients specified in paragraph (b) of this section. One or more of the optional sweetening ingredients listed in paragraph (c) of this section may be added, in a quantity reasonably necessary to compensate for a deficiency, if any, of the Brix-acid ratio. The orange juice is so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. Either before or after such heat treatment, all or a part of the product may be frozen. The finished pasteurized orange juice contains not less than 10.5 percent by weight of orange juice soluble solids, and the ratio of the Brix hydrometer reading to the grams of anhydrous citric acid per 100 milliliters of juice is not less than 10 to 1.

(b) The optional concentrated orange juice ingredients referred to in paragraph (a) of this section are frozen concentrated orange juice as specified in § 27.109 and concentrated orange juice for manufacturing as specified in § 27.114 when made from mature oranges; but the quantity of such concentrated orange juice ingredients added shall not contribute more than one-fourth of the total orange juice solids in the finished pasteurized orange juice.

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are sugar, invert sugar, dextrose, dried corn sirup, dried glucose sirup.

(d) (1) The name of the food is "pasteurized orange juice" or "heat-processed orange juice" or "heat-stabilized orange juice." If the food is filled into con-

tainers and preserved by freezing, the label shall bear the name "frozen pasteurized orange juice," "frozen heat-processed orange juice," or "frozen heat-stabilized orange juice."

(2) If the pasteurized orange juice is filled into containers and refrigerated, the label shall bear the name of the food, "chilled pasteurized orange juice," "chilled heat-processed orange juice," or "chilled heat-stabilized orange juice," If it does not purport to be either canned orange juice or frozen pasteurized orange juice, the word "chilled" may be omitted from the name.

(e) (1) If a concentrated orange juice ingredient specified in paragraph (b) of this section is used in adjusting the orange juice solids of the pasteurized orange juice, the label shall bear the statement "added to reduce tartness," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" or "sweeteners" may be used in lieu of the specific name or names of the sweetening ingredients.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.108 Canned orange juice; identity; label statement of optional ingredients.

(a) Canned orange juice is the food prepared from orange juice as specified in § 27.105 or frozen orange juice as specified in § 27.106, or a combination of both, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species Citrus reticulata or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed. Orange oil and pulp may be adjusted in accordance with good manufacturing practice. The adjustment of pulp referred to in this paragraph does not permit the addition of washed or spent pulp. Liquid condensate recovered from the deoiling operation may be added back. One or more of the optional sweetening ingredients named in paragraph (b) of this section may be added, in a quantity that reasonably compensates for deficiency, if any, of the Brix-acid ratio of the orange juice used. The food is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage. The finished canned orange juice tests not less than 10° Brix, and the ratio of the Brix hydrometer reading to the grams of anhydrous citric acid per 100 milliliters of juice is not less than 9 to 1.

(b) The optional sweeting ingredients referred to in paragraph (a) of this section are sugar, invert sugar, dextrose, dried corn sirup, dried glucose sirup.

(c) The name of the food is "canned orange juice." If it does not purport to be chilled pasteurized orange juice or frozen pasteurized orange juice, the word "canned" may be omitted from the name.

(d) If one or more of the sweetening ingredients specified in paragraph (b) of this section is added to the canned orange juice, the label shall bear the statement "added to reduce tartness," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.109 Frozen concentrated orange juice, frozen orange juice concentrate; identity; label statement of optional ingredients.

(a) Frozen concentrated orange juice is the food prepared by removing water from the juice of mature oranges as provided in § 27.105, to which juice may be added unfermented juice obtained from mature oranges of the species Citrus reticulata, or hybrids thereof, or of Citrus aurantium, or both. However, in the unconcentrated blend the volume of juice from Citrus reticulata shall not exceed 10 percent and from Citrus aurantium shall not exceed 5 percent. The concentrate so obtained is frozen. In its preparation, seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) and excess pulp are removed, and a properly prepared water extract of the excess pulp so removed may be added. Orange oil, orange pulp (other than washed or spent pulp), orange essence (obtained from orange juice), orange juice and other orange juice concentrate as provided in this section or concentrated orange juice for manufacturing provided in § 27.114 (when made from mature oranges), water, and one or more of the optional sweetening ingredients specified in paragraph (b) of this section may be added to adjust the final composition. Any of the ingredients of the finished concentrate may have been so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms. The finished food is of such concentration that when diluted according to label directions the reconstituted article will contain not less than 11.8 percent by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. The dilution ratio shall be not less than three plus one. For the purposes of this section and § 27.110, the term "dilution ratio" means the whole number of volumes of water per volume of frozen concentrate required to produce reconstituted orange juice having orange juice soluble solids of not less than 11.8 percent.

(b) The optional sweetening ingredients referred to in paragraph (a) of this section are sugar, sugar sirup, invert sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup.

(c) If one or more of the sweetening ingredients specified in paragraph (b) of this section is added to the frozen concentrated orange juice, the label shall bear the statement "added to reduce tartness," the blank being filled in with the name or an appropriate combination of names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(d) The name of the food concentrated to a dilution ratio of three plus one is "frozen concentrated orange juice" or "frozen orange juice concentrate." The name of the food concentrated to a dilution ratio greater than three plus one is "frozen concentrated orange juice, plus 1" or "frozen orange juice concentrate, plus 1," the blank being filled in with the whole number showing the dilution ratio; for example, "frozen orange juice concentrate, 4 plus 1." However, where the label bears directions for making 1 quart of reconstituted orange juice (or multiples of a quart), the blank in the name may be filled in with a mixed number; for example, "frozen orange juice concentrate, 4⅓ plus 1." For containers larger than 1 pint, the dilution ratio in the name may be replaced by the concentration of orange juice soluable solids in degrees Brix; for example, a 62° Brix concentrate in 3½-gallon cans may be named on the label "frozen concentrated orange juice, 62° Brix."

(e) Wherever the name of the food appears on the label conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.110 Canned concentrated orange juice, canned orange juice concentrate; identity; label statement of optional ingredients.

(a) Canned concentrated orange juice complies with the requirements for composition, definition of dilution ratio, and labeling of optional ingredients prescribed for frozen concentrated orange juice by § 27.109, except that it is not frozen and it is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage.

(b) The name of the food concentrated to a dilution ratio of three plus one is "canned concentrated orange

juice" or "canned orange juice concentrate." The name of the food concentrated to a dilution ratio greater than three plus one is "canned concentrated orange juice, _____ plus 1" or "canned orange juice concentrate, _____ plus 1," the blank being filled in with the whole number showing the dilution ratio; for example, "canned orange juice concentrate, 4 plus 1." However, where the label bears directions for making 1 quart of reconstituted orange juice (or multiples of a quart) the blank in the name may be filled in with a mixed number; for example, "canned orange juice concentrate, 4⅓ plus 1." If the food does not purport to be frozen concentrated orange juice, the word "canned" may be omitted from the name.

§ 27.111 Reconstituted orange juice, orange juice from concentrate; identity; label statement of optional ingredients.

(a) Reconstituted orange juice is the food prepared by mixing water with frozen concentrated orange juice as defined in § 27.109 or with concentrated orange juice for manufacturing as defined in § 27.114 (when made from mature oranges), or both. To such mixture may be added orange juice as defined in § 27.105, frozen orange juice as defined in § 27.106, pasteurized orange juice as defined in § 27.107, orange oil, orange pulp (other than washed or spent pulp), and one or more of the sweetening ingredients listed in paragraph (b) of this section. The finished reconstituted orange juice contains not less than 11.8 percent orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. It may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms.

(b) The sweetening ingredients referred to in paragraph (a) of this section are sugar, sugar sirup, invert sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, dried glucose sirup.

(c) The name of the food is "reconstituted orange juice" or "orange juice from concentrate."

(d) When reconstituted orange juice contains any optional sweetening ingredient as listed in paragraph (b) of this section, whether added directly as such or indirectly as an added ingredient of any orange juice product used, the label shall bear the statement "_____ added to reduce tartness," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients added. However, for the purposes of this section the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.112 Orange juice for manufacturing; identity.

(a) Orange juice for manufacturing is the food prepared for further manufacturing use. It is prepared from unfermented juice obtained from oranges as provided in § 27.105, except that the oranges may deviate from the standards for maturity in that they are below the minimum for Brix and Brix-acid ratio for such oranges, and to which juice may be added not more than 10 percent by volume of the unfermented juice obtained from oranges of the species Citrus reticulata or the hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted in accordance with good manufacturing practice. If pulp is added it shall be other than washed or spent pulp. The juice or portions thereof may be so treated by heat as to reduce substantially the enzymatic activity and number of viable micro-organisms, and it may be chilled or frozen, or it may be so treated by heat, either before or after sealing in containers, as to prevent spoilage.

(b) The name of the food is "orange juice for manufacturing."

§ 27.113 Orange juice with preservative; identity; label statement of optional ingredients.

(a) Orange juice with preservative is the food prepared for further manufacturing use. It complies with the requirements for composition of orange juice for manufacturing as provided for in § 27.112, except that a preservative is added to inhibit spoilage. It may be heat-treated to reduce substantially the enzymatic activity and the number of viable micro-organisms.

(b) The preservatives referred to in paragraph (a) of this section are sodium benzoate and sorbic acid. Sodium benzoate or sorbic acid may be used in an amount not exceeeding 0.2 percent by weight.

(c) The name of the food is "orange juice with preservative."

(d) The label shall bear the statement "_____ added as a preservative," the first blank being filled in with the percent by weight of the preservative used and the second blank by the name "sorbic acid" or "sodium benzoate" (or "benzoate of soda"), as appropriate.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in paragraph (d) of this section for naming the preservative ingredient used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

§ 27.114 Concentrated orange juice for manufacturing, orange juice concentrate for manufacturing; identity; label statement of optional ingredients.

(a) Concentrated orange juice for manufacturing is the food that complies with the requirements for composition and labeling of optional ingredients prescribed for frozen concentrated orange juice by § 27.109, except that it is either not frozen, or it is less concentrated, or both, and the oranges from which the juice is obtained may deviate from the standards for maturity in that they are below the minima for Brix and Brix-acid ratio for such oranges: *Provided, however,* That the concentration of orange juice soluble solids is not less than 20° Brix.

(b) The name of the food is "concentrated orange juice for manufacturing, _____" or "_____ orange juice concentrate for manufacturing," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees Brix.

§ 27.115 Concentrated orange juice with preservative; identity; label statement of optional ingredients.

(a) Concentrated orange juice with preservative complies with the requirements for composition and labeling of optional ingredients prescribed for concentrated orange juice for manufacturing by § 27.114, except that a preservative is added to inhibit spoilage.

(b) The preservatives referred to in paragraph (a) of this section are sodium benzoate and sorbic acid. Sodium benzoate or sorbic acid may be used in an amount not exceeding 0.2 percent, by weight.

(c) The name of the food is "concentrated orange juice with preservative, _____," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees Brix.

(d) The label shall bear the statement "_____ added as a preservative," the first blank being filled in with the percent by weight of the preservative used and the second blank by the name "sorbic acid" or "sodium benzoate" (or "benzoate of soda"), as appropriate.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in paragraph (d) of this section for naming the preservative ingredient used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

Effective date. This order shall become effective July 1, 1964.

(Secs. 401, 701(e), 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371(e))

Dated: October 4, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10752; Filed, Oct. 10, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ALUMINUM NICOTINATE

The Commissioner of Food and Drugs, having evaluated data in a petition filed by Walker Laboratories, Division of

Richardson-Merrell, Inc., Mount Vernon, New York, and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of aluminum nicotinate. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1141 **Aluminum nicotinate.**

Aluminum nicotinate may be safely used as a source of niacin in foods for special dietary use. A statement of the concentration of the additive, expressed as niacin, shall appear on the label of the food additive container or on that of any intermediate premix prepared therefrom.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 7, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10791; Filed, Oct. 10, 1963; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 6—VEHICLE, GUIDE, ADMISSION, AND MISCELLANEOUS FEES

Family Group Guide and Admission Fees and Admission Fees for Sagamore Hill and Theodore Roosevelt National Historic Sites, New York

On page 7911 of the FEDERAL REGISTER of August 2, 1963, there was published a notice and text of a proposed amendment to §§ 6.1 and 6.9 of Title 36, Code of Federal Regulations. The purpose of the amendment is to (1) establish general family group guide and admission fees where the individual fee is 50 cents or more per person; and (2) to establish fees applicable to Sagamore Hill National Historic Site, the country home of Theodore Roosevelt, and to Theodore Roosevelt Birthplace National Historic Site, the birthplace of Theodore Roosevelt, both located in New York. Also, (3) a minor change is being made to correct the name of Edison National Historic Site.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections concerning the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 4, 1963.

1. Section 6.1 is amended by adding paragraph (e). As so amended § 6.1 reads as follows:

§ 6.1 **General.**

* * * * *

(e) Where the personal guide or admission fee is 50 cents or more, family groups consisting of parents (or a parent) and children age 12 or over shall be entitled to a special group rate fixed at three times the amount of the individual fee.

2. Section 6.9, paragraph (b), is amended by adding two new historic sites to the listings and by correcting the name of Edison National Historic Site. As so amended § 6.9(b) reads as follows:

§ 6.9 **Admission; miscellaneous.**

* * * * *

(b) An admission fee shall be charged each person entering the following places:

	Fee
Adams National Historic Site	$0.25
Appomattox Court House National Historical Park—McLean House	.25
Chickamauga and Chattanooga National Military Park—Point Park	.25
Colonial National Historical Park—Moore House	.25
Edison National Historic Site:	
Home of Thomas A. Edison (Glenmont)	.25
Laboratory of Thomas A. Edison	.50
Fort McHenry National Monument and Historic Shrine—Inner Fort	.25
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park—Museum	.25
Gettysburg National Military Park—Cyclorama	.50
Home of Franklin D. Roosevelt National Historic Site (no charge shall be made for persons desiring to visit only the grave of Franklin D. Roosevelt)	.25
House Where Lincoln Died	.10
Custis-Lee Mansion in Arlington National Cemetery	.25
Lincoln Museum	.10
Manassas National Battlefield Park—Museum	.25
Morristown National Historical Park—Ford Museum and Mansion	.25
Ocmulgee National Monument—Museum and Earth Lodge	$0.25
Sagamore Hill National Historic Site—Theodore Roosevelt Home	.50
Salem Maritime National Historic Site—Derby House	.25
Theodore Roosevelt Birthplace National Historic Site—Birthplace	.25
Vanderbilt Mansion National Historic Site	.25
Vicksburg National Military Park—Museum	.25

[F.R. Doc. 63-10778; Filed, Oct. 10, 1963; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3240]

UTAH AND WYOMING

Partial Revocation of Executive Order Creating Public Water Reserve

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described lands:

UTAH

[88513]

SALT LAKE MERIDIAN

T. 42 S., R. 15 W.,
Sec. 10, NW¼NE¼.

Containing approximately 40 acres.

WYOMING

[Wyoming 0262338]

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 117 W.,
Sec. 26, NE¼NE¼ and W½SW¼.

Containing approximately 120 acres.

2. Until 10:00 a.m. on April 4, 1964, the States of Utah and Wyoming shall have a preferred right of application to select the lands within their respective borders, released from withdrawal by this order, in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). On and after that date and hour the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the States, received at or prior to 10:00 a.m. on November 9, 1963 shall be considered as simultaneously filed at that time.

3. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals beginning at 10:00 a.m. on April 4, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah, or Cheyenne, Wyoming, as appropriate.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 4, 1963.

[F.R. Doc. 63-10774; Filed, Oct. 10, 1963; 8:46 a.m.]

[Public Land Order 3241]

[Sacramento 074009]

CALIFORNIA

Order Opening Lands Subject to Section 24 of Federal Power Act

1. In DA-1035-California the Federal Power Commission determined that the power value of the following-described lands withdrawn in Project Nos. 2088 and 2100, and in Power Site Classification No. 425, will not be injured or destroyed by restoration to location, entry or selection, under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and further subject to the prior rights of the respective licensees for Project No. 2088 and Project 2100, and their successors or assigns, to use said lands for project purposes as contemplated in the licenses issued therefor, including the right of access to the project facilities and works for the reasonable maintenance and operation thereof; and subject further to the condition that the United States, its permittees or licensees will not be held liable for any damages to structures or improvements placed on the lands resulting from the operation and maintenance of the projects:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 5 E.,
Sec. 10, N½N½.

Containing aproximately 160 acres.

2. Until 10:00 a.m. on April 4, 1964, the State of California shall have (1) a preferred right of application to select the lands in accordance with the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to the State or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of section 24 of the Federal Power Act, supra.

3. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on April 4, 1964. At that time they shall be open to the operation of the public land laws generally, subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals. All valid applications and selections other than preference right applications from the State of California received at or prior to 10:00 a.m. on April 4, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Any disposals of the lands described in paragraph 1 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the prior rights and conditions specified by the Federal Power Commission in its determination.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on April 4, 1964, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 4, 1963.

[F.R. Doc. 63-10775; Filed, Oct. 10, 1963; 8:46 a.m.]

[Public Land Order 3242]

[Anchorage 049677; Misc. 1963073]

ALASKA

Modification of Public Land Order No. 1102

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1102 of March 23, 1955, so far as it reserved the following-described lands under jurisdiction of the Secretary of the Interior for use of the Department of Aviation of the Alaska Aeronautics and Communications Commission as an airport reserve, is hereby modified to the extent necessary to permit leasing of said lands under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181) as amended and supplemented:

SEWARD MERIDIAN

T. 15 N., R. 3 W.,
Sec. 8, SW¼SE¼, and SE¼SW¼;
Sec. 17, lots 1 and 2, and N½NE¼.

Aggregating 231.67 acres.

2. Applications and offers received at or prior to 10:00 a.m. on November 9, 1963, shall be considered as simultaneously filed at that time. Those received after that date and hour shall be considered in the order of filing.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 4, 1963.

[F.R. Doc. 63-10776; Filed, Oct. 10, 1963; 8:46 a.m.]

[Public Land Order 3243]

[88566; 88567; 88573]

WASHINGTON AND WYOMING

Partial Revocation of Withdrawals for Forest Service Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is order as follows:

1. The departmental orders of January 8, November 25, 1907 and June 17, 1908, and any other order or orders, so far as they withdrew the following-described national forest lands in Washington and Wyoming for use of the Forest Service, Department of Agriculture, as national forest administrative sites are hereby revoked:

WASHINGTON

WILLAMETTE MERIDIAN

Olympic National Forest

Intermount Ranger Station

T. 22 N., R. 5 W., unsurveyed,
Sec. 9, an irregular tract described by metes and bounds.

Maude Ranger Station

T. 22 N., R. 7 W.,
Sec. 19, SE¼SE¼;
Sec. 20, SW¼SW¼.

Canyon Ranger Station

T. 22 N., R. 7 W.,
Sec. 20, NE¼, and SE¼NW¼.

Humptulips Ranger Station

T. 21 N., R. 9 W.,
Sec. 4, N½NE¼, and SE¼NE¼.
T. 22 N., R. 9 W.,
Sec. 33, SE¼SE¼.

Falls Ranger Station

T. 23 N., R. 9 W., unsurveyed
Sec. 11, SW¼NW¼NE¼.

Morgan Ranger Station

T. 28 N., R. 12 W.,
Sec. 32, S½SE¼SE¼.

MOUNT BAKER NATIONAL FOREST

Baker River Administrative Site

T. 37 N., R. 9 E.,
Sec. 30, lot 11;
Sec. 31, lot 1.

Cougar Hollow Administrative Site

T. 32 N., R. 10 E.,
Sec. 32, lot 2.

Ruby Administrative Site

T. 38 N., R. 14 E.,
Sec. 22, an irregular tract described by metes and bounds.

The areas described aggregate approximately 618 acres.

WYOMING

SIXTH PRINCIPAL MERIDIAN

Medicine Bow National Forest

Big Creek Administrative Site

T. 13 N., R. 81 W.,
Sec. 32, E½NW¼SW¼, and NE¼SW¼.

Jenkins Administrative Site

T. 15 N., R. 81 W.,
Sec. 34, E½NE¼, E½SW¼NE¼, E½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, and SW¼SW¼NE¼.

Willow Park Administrative Site

T. 13 N., R. 84 W.,
Sec. 7, NE¼SE¼;
Sec. 8, NW¼SW¼.

The areas described aggregate approximately 258 acres.

2. At 10:00 a.m. on Nov. 9, 1963, the lands described in this order shall be open to such forms of disposition as may by law be made of forest lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 4, 1963.

[F.R. Doc. 63-10777; Filed, Oct. 10, 1963; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14507; FCC 63-856]

PART 1—PRACTICE AND PROCEDURE

Establishment of Fees for the Commission's Licensing and Regulatory Activities

1. The Commission has before it seventeen Petitions for Reconsideration of its Report and Order in Docket No. 14507[1] which amended Part 1 of the rules, effective January 1, 1964, so as to establish a schedule of fees for applications filed with this Commission.[2] Also before the Commission are three petitions requesting that the effective date of the fee rules be stayed until the Commission has had an opportunity to act upon the Petitions for Reconsideration.[3]

2. Many of the arguments set forth in the petitions merely restate questions which were discussed in our Report and Order. The principal argument reiterated in the petitions is the contention by ARINC & ATA, AOPA, Central Committee, NBAA and SIRSA that the Commission does not have specific legislative authority under Title V of the Independent Offices Appropriation Act of 1952, 5 U.S.C. section 140, to adopt rules providing for a schedule of fees for Commission services. In this connection, ARINC & ATA further state (1) that the legislative history of Title V discloses that Congress only intended to encourage the recovery of fees where authority otherwise existed, and (2) that if Title V of the Independent Offices Appropriation Act of 1952 were construed to authorize the Commission's action, that Act would be invalid as an unconstitutional delegation of legislative power. We feel our position with respect to Title V and its provisions has been clearly outlined in the Report and Order and does not require further clarification at this time. However, we will address ourselves briefly to the points raised by ARINC & ATA regarding the intention of Congress and the constitutionality of Title V.

3. It is a well settled rule of statutory interpretation that when language is clear and unambiguous it must be held to mean what it plainly expresses.[4] We feel it is clear that by the enactment of Title V Congress intended that the head of every Federal agency should thereby be authorized to prescribe fees, irrespective of whether legislative authority may otherwise have existed. Title V states explicitly, "* * * and the head of each Federal agency is authorized by regulation * * * to prescribe therefor such fee, charge, or price, if any, * * *". Moreover, the two provisos at the end of Title V further demonstrate that Congress did not intend that the statute should apply only to those agencies with existing legislative authority to prescribe fees.[5]

4. ARINC & ATA state that if the Commission's Order of May 8, 1963, is deemed to be authorized by Title V of the Independent Offices Appropriation Act of 1952, that Act is invalid as an unconstitutional delegation of legislative power under the rule in U.S. v. Schechter, 292 U.S. 495. We believe this position is without merit. The Court in the Schechter Case set out the ground rules for delegations of authority wherein it stated at p. 530:

> "Congress may leave to selected instrumentalities the making of subordinate rules within prescribed limits, and the determination of facts to which the policy, as declared by Congress, is to apply; but it must itself lay down the policies and establish standards."

We are of the opinion that the language of Title V contains policies and establishes adequate standards by which each Federal agency may arrive at a schedule of fees within the limits prescribed by Congress.

5. AARI and ARINC & ATA seek to attach significance to a differentiation between "user charge" or "special benefit" services and what they refer to as the "regulatory" services offered by the Commission. They object in principle to the imposition of any fee for fundamentally governmental regulatory functions. Assuming, arguendo, that a differentiation may be made between "special benefit" and "regulatory" services, we fail to ascertain how any significance may be attributed to such a differentiation in light of the specific language of Title V. As we stated in par. 5 of the Report and Order, Title V spells out "service", "license", and "permit" as categories for which Congress considered fees to be appropriate. It can scarcely be denied that these categories are accurately descriptive of the services rendered by this Commission and, accordingly, we fail to see how the distinction which AARI and ARINC & ATA make should affect our action.

6. Before treating the arguments which are directed to the fee schedule per se, we wish to point out that, in establishing the schedule of fees set forth below, the Commission recognizes that the requirements of the application procedures of the several Bureaus do not readily lend themselves to a uniform schedule of fees completely devoid of seeming or minor disparities. These disparities, however, will be resolved from time to time in the course of a continuing review which will be undertaken with respect to the fee schedule, the Commission's application procedures, and the interrelation of the two. Appropriate adjustments will be made in either, or both, as may appear to be proper or desirable.

7. AIA, AOPA, NATA, NBAA, NPA, and the Petroleum Flyers, as spokesmen for the aviation industry and particularly for private aircraft owners and operators, contend that applications for the required FCC authorizations are not made on a voluntary basis because the regulations of the Federal Aviation Agency require aircraft wishing to utilize tower-controlled airfields to be equipped with a two-way radio system. Therefore, these petitioners argue that it is improper to require the payment of fees for applications filed for aircraft transmitters. Though we recognize that in some instances aircraft are equipped with radio merely to comply with FAA regulations, we are not persuaded that an exception should be made on this account. The position which the aviation industry occupies, and which it apparently feels is a basis for exemption from the payment of fees, is by no means unique to aviation. Certain vessels are required by the Communications Act and by applicable treaties in force to maintain radio transmitting equipment for safety purposes. However, this is not to say that owners and operators of such vessels and aircraft do not derive benefits from the use of the radio apparatus they are required to carry, particularly where such equipment contributes to the safe operation of the vessel or aircraft involved, aids its navigation, and provides a means for operational communi-

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[1] FCC 63-414 (mimeo No. 34829), published in the FEDERAL REGISTER, May 11, 1963, 28 F.R. 4758.

[2] Petitions for Reconsideration were received from: Aeronautical Radio Inc. and Air Transport Association of America (ARINC & ATA); Aerospace Industries Association of America, Inc. (AIA); Aircraft Owners and Pilots Association (AOPA); Alaska Aviation Radio, Inc. (AARI); American Radio Relay League (ARRL); Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee); Civil Air Patrol (CAP); Georgia Association of Broadcasters, Inc. (GAB); Houston Business Aircraft Committee; National Aviation Trades Association (NATA); National Business Aircraft Association, Inc. (NBAA); National Committee for Utilities Radio (NCUR); National Mobile Radio System (NMRS); National Pilots Association (NPA); Petroleum Flyers; Special Industrial Radio Service Association, Inc. (SIRSA); and Woodrow C. DeByle, K8RFA.

[3] Petitions for stay were received from the Central Committee, NCUR, and SIRSA.

[4] See, e.g., Caminetti v. U.S., 242 U.S. 470, 485, Knox Co. v. Morgan, 68 F. 787, 789, Swarts v. Siegel, 117 F. 13, 18, 19.

[5] The two provisos read as follows: *"Provided,* That nothing contained in this title shall repeal or modify existing statutes prohibiting the collection, fixing the amount, or directing the disposition of any fee, charge or price: *Provided further,* That nothing contained in this title shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price, but this proviso shall not restrict the redetermination or recalculation in accordance with prescribed bases of the amount of any such fee, charge or price."

cations. It should also be noted that the $10 fee for filing applications in the Aviation Services is nominal considering that licenses in those services are usually for a five-year period and, under normal circumstances, an aviation licensee will only be required to pay the fee once every five years upon application for renewal.[6] For these reasons, we are not prepared to accept the thinking that radio equipment which is required by law should be exempted on that basis from the payment of the prescribed fee.

8. The AARI, NPA and the Houston Business Aircraft Committee argue that the $10 fee for each application for license modification will detract from an operator's incentive to equip his aircraft with additional or improved communications equipment. We have compared the $10 modification fee with the cost of the equipment to which the petitioners refer and we find it very difficult to conclude that a person who has expended $300–$3,000 for suitable radio equipment will be significantly influenced by the $10 fee for filing application for a modification of his license.

9. AARI states that radio in Alaska, especially in remote areas, is often the only available means of communication and for this reason the State of Alaska often supplies radio equipment to remote operators, either free or for a nominal charge. AARI argues that to impose a fee charge for small individually owned aviation stations which often render the only means of safety communications is inappropriate. In the Report and Order, we stated that, in establishing the schedule of fees, we took into consideration the safety aspects of the use of radio, especially in the Safety and Special Radio Services. Again, with respect to radio in Alaska, though we recognize that operators render communications services which benefit the public at large (and this is true with a number of radio services to varying degrees), we are not persuaded that the operators do not enjoy some particular benefit from its use. Therefore, we do not believe that an exemption for small individually owned aviation stations in Alaska is justified.

10. The Civil Air Patrol requests that it be considered for exemption under § 1.622(b) of the new rules on the grounds that it engages primarily in the performance of public services similar to those performed by exempted organizations in the Special Emergency Radio Service, e.g., disaster relief organizations and non-profit ambulance operators and rescue organizations. The CAP points out that in 1962 it flew over 10,000 sorties and nearly 20,000 hours in search and rescue operations. We are persuaded that radio is used by the CAP to a substantial degree in connection with operations relating directly to public safety and that the CAP should be exempted from the fee requirement. For the same reason, and on the Commission's own motion, we are exempting applications for search and rescue mobile stations in the Aviation Services. These stations are operated almost exclusively by rescue organizations or by the CAP and may be used only in connection with search and rescue operations. (See Subpart W of Part 9 of the Commission's rules.)

11. On our own motion, we are also providing an exemption for radionavigation stations in the Aviation Services. (See Subpart O of Part 9 of the Commssion's rules.) Though air navigation aid facilities are usually operated by the Federal Aviation Agency, local governments, airfield operators and private individuals may apply to the Commission for a radionavigation station authorization where the need may be justified and the FAA is not prepared to render this service. These stations provide primarily navigation and safety service to aircraft at large and we are of the opinion that a fee should not be charged to applicants for such stations.

12. The ARRL argues that the fee requirement will thwart its recently initiated efforts to upgrade the Amateur Service by establishing a new Amateur advanced class. This general argument was considered by the Commission in establishing the special fee schedule for Amateurs. Furthermore, we are not persuaded that charging a nominal fee will prevent an earnest amateur from obtaining a higher class of license.

13. In response to a question raised by the ARRL with respect to when the $2 fee and the $4 fee will be charged, we wish to point out that the $2 fee will be charged when an application is filed for modification of an Amateur license other than a Novice Class license, e.g., a change of address or name, etc.; however, an application filed by an Amateur licensee for a higher or different class license will be treated as an initial license application and a $4 fee will be charged.

14. The ARRL also argues that the $20 fee for applications for special Amateur call signs is excessive and consequently will impede the establishment by the ARRL of an effective incentive program. As we stated in our Report and Order, the assignment of special Amateur call signs is a costly service since it involves considerable research. Moreover, a special call is of no direct benefit to anyone other than the operator to whom it is issued. Several arguments included in the ARRL's petition were considered by the Commission, directly or indirectly in the Report and Order and need not be treated further herein.

15. The Commission, on its own motion, has provided an exemption for applications for amateur stations under military auspices. The cost for establishing such stations, including the payment of the fee, is borne by the armed service involved. Thus, charging a fee in this case would be inappropriate.

16. The Central Committee, NCUR, and SIRSA argue that it is inequitable to charge a $10 fee for filing applications for renewal of land mobile licenses in the Safety and Special Radio Services as compared with a $4 fee for filing applications for renewal of a point-to-point microwave license in the same services since, in both instances, the same post card type application form—FCC Form 405A—is used. On reconsideration, we must agree with this argument and, accordingly, we have provided that a fee of $4 will be charged for all renewal applications in the Safety and Special Radio Services for which FCC Form 405A is prescribed. The above-mentioned petitioners have also argued that the Commission should not charge a fee for applications for non-substantive modifications such as changes of address, corporate names, etc. Although no exception is being made at this time for applications for pro forma, non-substantive modifications, the Commission will address itself to such matters as we have stated previously.

17. NCUR states that the radio usuage of all Power Radio Service licensees inures directly to the benefit of the general public. Therefore, NCUR argues that it is discriminatory to exempt governmental entities licensed in the Power Radio Service while requiring private utility, or non-governmental, licensees in that service to pay the prescribed fee. We are not persuaded that the arguments of NCUR support an exemption for private utility licensees in the Power Radio Service. As we stated in par. 19 of our Report and Order, governmental entities and certain non-profit organizations in the Safety and Special Radio Services were exempted from the fee schedule in keeping with the recommendations of Bureau of the Budget Circular A–25, section 5(b) (3), (4).[7] The mere fact that private utility companies and governmental entities may be licensed in the same radio service will not be recognized as a basis for extending the exemption to the private utility licensees.

18. NMRS objects that the $100 fee prescribed for applications filed for initial construction permit or authorization to change location of fixed stations in the Domestic Public Land Mobile Radio Service (DPLMRS) is inequitable when compared with the $100 fee prescribed for similar applications filed by television broadcast stations in the Radio Broadcast Services. NMRS urges that the $100 fee in the DPLMRS be reduced at least 50 percent in order to achieve some measure of equity.

19. We must concede that under a system of nominal flat fees such as we have adopted it is not difficult to pinpoint inequity by contrasting a particular station in one service with a particular station in another service. As we stated in our Report and Order, it is not administratively practicable to establish fees

[6] A survey of our aviation license files discloses that only about 10 percent of those licenses are normally modified during a given five-year license period. Therefore, it would appear that about 90 percent of our aviation licensees can expect to pay an average of $2 a year for application fees.

[7] Bureau of the Budget Circular No. A–25, September 23, 1959, sets forth general policies for developing an equitable and uniform system of charges for Government services and property. Section 5(b)(3) directs that in establishing new fees an agency may make exceptions to the general policy where in the recipient is engaged in a non-profit activity designed for the public safety, health, or welfare. Section 5(b)(4) states that payment of the full fee by a State, local government, or non-profit group would not be in the interest of the program.

on the basis of individual station characteristics. We wish to note that NMRS seeks to demonstrate inequity by comparing only the $100 fee for applications for initial construction permit in the DPLMRS and in the television broadcast service. We believe a fairer approach would be to compare all fees prescribed for these two services. Such an overall comparison would disclose that the fees in the DPLMRS, other than for application for initial construction permit, are in every instance substantially lower than those applicable to television broadcast stations.

20. The Georgia Association of Broadcasters objects to the establishment of the $30 fee for applications for permits and licenses for auxiliary broadcast stations, e.g., remote pickups used by radio and TV stations for such things as mobile news coverage. They state that the $30 fee for each mobile radio unit will be a financial burden on many smaller radio stations and that these fees are not consistent with fees for similar equipment in the Safety and Special Radio Services area used by purely commercial interests (e.g., construction companies). The GAB urges the Commission to study this "inequity and provide relief to broadcast stations so their mobile radio services, news coverage, and programming in the public interest will not have to be curtailed."

21. In establishing the schedule of fees the Commission attempted to implement the Congressional directive that fees be equitable "taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts". While it may appear that there is a certain amount of disproportion between fees for similar applications in the various services, we are not convinced that action should be taken now, as suggested by the GAB, to change the schedule. As previously mentioned, the Commission plans to exercise continuous scrutiny of the fees and readjustments may be undertaken in the future. At this point, however, considering the Congressional directive and all other pertinent factors, we believe that the broadcast fee schedule is fair and equitable as it relates to the fee schedules for other services.

22. Our further review of the schedule of fees has indicated the desirability of more fully clarifying the schedule in terms of specific types of applications. These clarifications are set forth in the following paragraphs:

(1) Assignment and transfer applications in the Broadcast Radio Services. Applications for assignment of license or transfer of control filed on FCC Forms 314 and 315 must be accompanied by the total amount of the prescribed fees for the license or permit of each radio facility so assigned or transferred, irrespective of the fact that only one application is involved. For example, if all the stock of a licensee corporation is proposed to be transferred, and the corporation holds licenses for two TV stations, one AM station, one FM station, and four auxiliary broadcast stations, then a fee of $420 must accompany the application ($100 for each TV station, $50 each for the AM and FM stations, and $30 each for the auxiliary stations). Similarly, an application for assignment of license where more than one broadcast facility is involved must be accompanied by the total amount of the prescribed fees for each broadcast station assigned. Applications filed on FCC Form 316 must be accompanied by a $30 fee for each main broadcast station involved. No fee will be required for auxiliary broadcast stations involved in an FCC Form 316 application.

(2) Translator applications in the Broadcast Radio Services. A $30 fee will be required for each application for a construction permit for a VHF or UHF television translator station or for a major change in such an existing station.[8] A $30 fee will also be required for each application for assignment of license or transfer of control filed on FCC Forms 314 and 315 as well as for license renewal applications for such stations; but no fee will be required for any other translator application. Thus, e.g., fees will not be required to accompany translator pro forma applications filed on FCC Form 316, applications for a covering license (filed on FCC Form 347), or applications for additional time to construct (filed on FCC Form 701).

(3) Domestic Public Land Mobile Radio Service (DPLMRS) applications in the Common Carrier Services. We have observed that the fees applicable to the DPLMRS (§ 1.621) do not accord specific treatment to dispatch stations, control stations, and repeater stations. In order to insure that these stations are not subjected to the higher fees prescribed for base stations, we have revised the schedule to set a fee of $25 for applications for initial construction permits for dispatch, control and repeater stations as compared with the $100 fee prescribed for base stations. A renewal application fee of $10 has been provided for dispatch, control and repeater stations as compared with the base station renewal fee of $25. Modification applications filed by any station in the DPLMRS would be $10.

(4) Applications filed by communications common carriers for authorization to own stock in the Communications Satellite Corporation. These applications were not specifically designated in the fee schedule and would have fallen within the category "All Other Common Carrier Radio Applications" for which a $10 fee is prescribed. However, we feel these applications are of significant importance to warrant mention and we have revised the schedule accordingly. The fee remains at $10.

(5) Rural Radio Service, Point-to-Point Microwave Radio Service and Local Television Transmission Service. We have noted that the schedule of fees for Common Carrier Services (§ 1.621) does not clearly identify all applications in the above-mentioned services for which we intend to prescribe fees other than the $10 fee for "All Other Common Carrier Radio Applications." Therefore, we have revised § 1.621 to set forth the specific applications in those services for which we intend to prescribe a fee other than the $10 fee for "All Other Common Carrier Radio Applications."

(6) International control stations in the International Fixed Public Radiocommunication Services (§ 1.621). These stations are not treated in the present schedule of fees and should be distinguished from international fixed stations since they are used merely for communication between message centers and primary transmitting and receiving stations. Therefore, we have prescribed a fee of $30 for applications for construction permit for these stations and a $5 renewal application fee.

(7) Applications filed for the sole purpose of conforming with changes in the Commission's rules. The Commission has recognized that in certain instances applicants may be required to file applications as a result of changes made in the Commission's rules. It is not the intention of the Commission to require fees where applications are filed solely to conform with such rule changes. Therefore, we have added a new § 1.602 under the General Information portion of Subpart G of Part 1 which provides a general exception for such applications. This exception will be effected only when specifically ordered in connection with the adoption of the pertinent rule changes. However, the new section states that where an application which is otherwise excepted also requests a renewal or an additional modification of the authorization, the appropriate renewal or modification fee will be charged.

(8) Section 1.601(a) under the General Information portion of the rules adopted by the Commission on May 6, 1963, appears to restrict the fee schedule to "formal" applications for which a fee is prescribed in the subpart. In view of the fact that several of the prescribed fees relate to applications which are normally filed in an informal manner, we have undertaken to correct the apparent inconsistency by revising § 1.601(a) so as to delete the term "formal" from the first sentence of that section. However, since formal applications have been devised for virtually every type of request in the Safety and Special Radio Services, the Commission believes it is appropriate to limit the applicability of fees in those services to formal applications only. Section 1.622(a) has been revised accordingly.

23. In view of the foregoing: *It is ordered,* That the Petition for Reconsideration filed by the CAP is hereby granted; that the Petitions for Reconsideration filed by the Central Committee, NCUR, and SIRSA are hereby granted in part and denied in part; and that the Petitions for Reconsideration filed by ARINC & ATA, AIA, AOPA, AARI, ARRL, GAB, Houston Business Aircraft Committee, NATA, NBBA, NMRS, NPA, Petroleum Flyers and Woodrow C. DeByle are hereby denied; and

[8] By "translator" stations we mean television broadcast translator stations licensed under Subpart G of Part 4 of the rules as distinguished from television broadcast booster stations licensed under Subpart H of Part 4. All applications filed with respect to television broadcast booster stations fall within the category "All Other Applications in the Broadcast Services", for which a flat $30 fee is prescribed.

24. *It is further ordered,* That in view of the Commission's action on the Petitions for Reconsideration prior to January 1, 1964, the Petitions for Stay filed by the Central Committee, NCUR, and SIRSA are hereby dismissed; and

25. *It is further ordered,* Pursuant to authority contained in section 4(i) of the Communications Act, section 140 of Title 5 of the United States Code, and Bureau of the Budget Circular A–25 of September 23, 1959, and effective January 1, 1964, that the Report and Order of May 6, 1963 (FCC 63–414, 28 F.R. 4758), is revised to read as set forth below.

Adopted: September 25, 1963.

Released: October 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,[9]
[SEAL] BEN F. WAPLE,
Secretary.

1. The Report an Order of May 6, 1963, (FCC 63–414, 28 F.R. 4758) is revised to read as follows:

Subpart G—Schedule of Fees for Applications Filed With the Commission

GENERAL INFORMATION

SEC.
1.600 Authority.
1.601 Payment of fees.
1.602 General exceptions.

SCHEDULES OF FEES

1.620 Schedule of fees for Radio Broadcast Services.
1.621 Schedule of fees for Common Carrier Services.
1.622 Schedule of fees for Safety and Special Radio Services.
1.623 Schedule of fees for commercial radio operator examinations and licensing.
1.624 Experimental Radio Services (other than Broadcast).

AUTHORITY: §§ 1.600–1.602 and §§ 1.620–1.624 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

GENERAL INFORMATION

§ 1.600 Authority.

Authority for this Subpart is contained in Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140) which provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible. Title V further provides that the head of each Federal agency is authorized by regulation to prescribe such fees as he shall determine to be fair and equitable.

§ 1.601 Payment of fees.

(a) Each application, filed on or after January 1, 1964, for which a fee is prescribed in this subpart must be accompanied by a remittance in the full amount of the fee. In no case will an application be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications received in the Commission's Offices in Washington, D.C., or in any of the Commission's field offices, should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriations Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 1.602 General exception.

When so specifically ordered, no fee will be required to accompany an application filed for the sole purpose of amending an authorization so as to conform with changes in the Commission's rules; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application.

SCHEDULE OF FEES

§ 1.620 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, applications filed in the Radio Broadcast Services shall be accompanied by the fees prescribed below:

	AM	FM	TV	Translator	Auxiliary
Application for Construction Permit for New Station or Major Change	$50	$50	$100	$30	$30
Application for Renewal or Assignment of License or Transfer of Control, Exclusive of FCC Form 316 Applications (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	50	50	100	30	30
Application Filed on FCC Form 316 (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	30	30	30	No fee	No fee
Application for Change of Call Letters for Broadcast Station	$20 in all services				
All Other Applications in the Broadcast Services (excluding television translator applications not specified above)	$30 for each application				

(b) Fees are not required in the case of applications filed by tax exempt organizations for the operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial educational use.

§ 1.621 Schedule of fees for Common Carrier Services.

Applications filed for Common Carrier Services shall be accompanied by the fees prescribed below:

Applications for Initial Construction Permit (No additional fee will be charged for application for license to cover. An application for authority to change location of a fixed station will be treated as an application for Initial Construction Permit):	
Domestic Public Land Mobile Radio Service:	
Base Station (includes associated mobile stations)	$100
Dispatch Station, Control Station or Repeater Station	25
Individual User Mobile Station	5
Point-to-Point Microwave Radio Service	30
Rural Radio Service:	
Central Office Station, Inter-office Station, or Rural Subscriber Station	10
Rural Subscriber Station at Temporary-Fixed Locations	10
Individual Subscriber Station	5
Local Television Transmission Service	50
Applications for Initial Construction Permit—Continued	
International Fixed Public Radiocommunication Services:	
International Fixed Public Station:	
New Station	$100
Additional Transmitter	100
Replacement of Transmitter	50
International Control Station:	
New Station	30
Additional Transmitter	30
Replacement of Transmitter	10
Other Common Carrier Services	10
Applications to make Modifications or to Supplement Facilities at Existing Sites in the Point-to-Point Microwave Radio Service	30
Applications for License for Operation of a Station at Temporary-Fixed Locations in the Point-to-Point Microwave Radio Service	30
Applications for Modification of Construction Permit at an Existing Station Location in the Local Television Transmission Service	50
Applications for License for Operation of an STL Station at Temporary-Fixed Locations in the Local Television Transmission Service	50
Applications for License for Operation of Mobile Television Pickup Station in the Local Television Transmission Service	50
Applications for Renewal of License:	
Domestic Public Land Mobile Radio Service:	
Base Station (includes associated mobile stations)	25
Dispatch Station, Control Station or Repeater Station	10
Individual User Mobile Station	5

[9] Dissenting statements of Commissioners Bartley and Ford and concurring statement of Commissioner Cox filed as part of the original document.

Applications for Renewal of License—Continued	
Point-to-Point Microwave Radio Service	$5
Local Television Transmission Service	5
Rural Radio Service, All Stations	5
International Fixed Public Radiocommunication Services:	
International Fixed Public Station	75
International Control Station	10
Other Common Carrier Services	5
All Other Common Carrier Radio Applications	10
Applications by Communications Common Carriers for Authorization to Own Stock in the Communications Satellite Corporation	10
Section 214 Applications by Telephone Companies	50
Section 214 Applications by Telegraph Companies	10
Cable Landing License Applications	100
Section 221 Applications	50
Interlocking Directorate Applications	10
All Other Common Carrier Non-radio Applications	10

§ 1.622 Schedule of fees for Safety and Special Radio Services.

(a) Except as provided in paragraph (b) of this section, all formal applications filed in the Safety and Special Radio Services shall be accompanied by the fees prescribed below:

Applications in the Amateur Radio Service:	
For Initial and Renewed Licenses	$4
For Modification of License	2
Request for Special Call Sign Pursuant to § 12.81	20
Applications in the Citizens Radio Service:	
For Class A Station Authorization	10
For All Other Classes of Stations in the Citizens Radio Service	8
Applications for Radio Station Authorizations for Operational Fixed Microwave Radio Stations (no fee required for application for license to cover construction permit)	30
Applications for Renewal only for which FCC Form 405A is prescribed	4
All Other Applications Filed in the Safety and Special Radio Services	10

(b) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry-Conservation, Highway Maintenance, Local Government, and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: Hospitals, Disaster Relief Organizations, Beach Patrols, and School Buses, and non-profit Ambulance Operators and Rescue Organizations.

(4) Applications filed in the Disaster Communications Service.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and Parts II and III, Title III, of the Communications Act of 1934, as amended.

(6) Applications for Novice Class license in the Amateur Radio Service, applications for amateur stations under military auspices, and applications filed in the Radio Amateur Civil Emergency Service (RACES).

(7) Operational Fixed Microwave Applications filed for Closed Circuit Educational Television Service.

(8) Applications for Civil Air Patrol Stations, Aeronautical Radionavigation Stations and for Aeronautical Search and Rescue Stations.

§ 1.623 Schedule of fees for commercial radio operator examinations and licensing.

Applications filed for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

Applications for Commercial Operator Examinations:	
First Class	$5
Second Class	4
Third Class	3
Applications for renewals, endorsements, duplicates, etc., of Commercial Operator Licenses	2
Applications for Restricted Radiotelephone Permits	2

§ 1.624 Experimental Radio Services (other than Broadcast).

Fees are not required in the case of applications filed in the Experimental Radio Services (other than Broadcast).

[F.R. Doc. 63-10796; Filed, Oct. 10, 1963; 8:47 a.m.]

[Docket No. 15022, RM-180, FCC 63-901]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 3—RADIO BROADCAST SERVICES

Temporary Interference Protection to the University of Illinois Radio Astronomy Site

1. On March 27, 1963, the Commission adopted a notice of proposed rule making in this proceeding calling for comments on or before May 1, 1963, and for reply comments on or before May 10, 1963. The latter date was subsequently extended to May 17, 1963, at the request of one of the interested parties.

2. The Commission proposed to amend Parts 2 and 3 of its rules to delete the availability of Channel 37 (608–614 Mc/s) for authorization in the broadcasting service, until January 1, 1968, in an area circumscribed by a radius of 600 statute miles centered on Danville, Illinois, the location of the University of Illinois radio astronomy observatory. However, because of the possibility that comments responsive to the notice would indicate the need to adopt a temporary protection plan involving a radius other than that proposed, the Commission stated that it would issue no final authorizations for the use of Channel 37 anywhere within the United States until the termination of this proceeding. In order to delineate the type of information necessary to permit a considered judgement in this proceeding, a series of six questions was directed to radio astronomy interests. These questions and responses thereto are treated in detail in subsequent paragraphs.

3. Approximately 140 comments were filed with the Commission in response to its notice of proposed rule making in this proceeding. All fell within two sharply defined categories: (1) Broadcasting interests, who, in general, considered the Commission's proposal a fair and equitable compromise solution to a difficult problem; and (2) radio astronomy proponents, who considered the action proposed by the Commission inadequate to meet the needs of the radio astronomy service in general. The latter category is divisible further, about 25 being formal in nature and the remainder of varying degrees of formality from individual members of the public either directly or through their Congressional representatives.

4. Comments were filed by the following broadcasting interests:

Spanish International Television Company, Inc. (SITC).
Trans-Tel Corporation.
Progress Broadcasting Corporation.
Association of Maximum Service Telecasters, Inc. (AMST).

The first three are TV applicants for Channel 37 at Paterson, New Jersey, where it is presently assigned. SITC subsequently filed comments in response to those filed by the University of Illinois, and AMST filed in response to the general tenor of comments filed by radio astronomy proponents, wherein an exclusive allocation on a permanent basis was advocated for the radio astronomy service in the band 608–614 Mc/s.

5. Formal comments were filed by the following radio astronomy interests:

President, Graduate Research Center of the Southwest.
Director, Department of Terrestrial Magnetism, Carnegie Institution of Washington.
National Science Foundation.
Director, Radio Astronomy Observatory, University of Michigan.
Associated Universities, Inc. (for the National Radio Astronomy Observatory).
University of Illinois.
University of Maryland.
Federation of American Scientists.
Director, Stanford Radio Astronomy Institute.
Geophysical Institute, University of Alaska.
National Academy of Sciences—National Research Council.
President, University of California.
The Pennsylvania State University.
National Center of Atmospheric Research.
Yale University.
Stanford University.
California Institute of Technology.
American Museum Hayden Planetarium.
Director, Radio Observatory, University of Florida.
Dr. R. M. Fristrom.
Boeing Scientific Research Laboratories.
Mr. C. L. Seeger, Department of Astronomy, University of California, Berkeley.

Additionally, on June 7, 1963, the City Council of Ann Arbor, Michigan, adopted and transmitted to the Commission a Resolution on behalf of the University of Michigan radio astronomy program in particular, and the radio astronomy service in general, seeking the preservation of Channel 37 for that purpose.

6. The initial comments filed by Spanish International Television Company, Inc. (SITC) expressed the view that:

(a) The Commission's proposal is more than adequate to meet the needs of the University of Illinois;

(b) If limitations upon the use of Channel 37 by television stations were imposed, they should be no harsher than those proposed by the Commission;

(c) Channel 37 could be used by television stations of either Canada or Mexico under existing agreements, without observing the mileage or hour limitations;

(d) The University of Illinois had neither alleged nor filed factual data at that time to support a supposition that television operations on Channel 37 in New Jersey or Florida would cause harmful interference to the observatory at Danville, Illinois; and

(e) With regard to the hours-of-use limitation, effective radio astronomy observations could not be made during daylight hours; sunrise may occur as early as 4:30 AM in June and July at Danville; and therefore, the time limitation on television use of the channel is unduly harsh.

SITC, as well as Trans-Tel Corporation, took the position that adoption of the Commission's proposal would drive a wedge into the middle of the UHF–TV band where no particular need for the band in question had been advanced (other than equipment built in disregard of the Table of Frequency Allocations).

7. Trans-Tel Corporation took exception to the proposal to prohibit the use of Channel 37 by television stations between midnight and 7:00 a.m., l.t., on the ground that the television station might have to operate during that period to be viable, particularly in view of competitive difficulties in the same area. Trans-Tel stated the Commission may wish to allot a different UHF channel to New York City with but minor waiver of the mileage separation requirement and cited Channel 14 as a case in point. That channel is used by WWOR–TV, Worcester, Massachusetts, but could be re-used in New York City on the basis of a rule waiver. Trans-Tel reportedly was discussing the matter with WWOR–TV to get the reaction of the latter to such a waiver.

8. Association of Maximum Service Telecasters, Inc. (AMST) recognized the Commission's proposal as a compromise solution and, therefore, did not object to the proposal. AMST cautioned, however, that its acquiesence in this case could not be taken as applicable to any other channel or to greater limitations on Channel 37 than initially proposed. AMST, in its reply comments, requested the Commission to disregard all requests for permanent, exclusive allocation of Channel 37 to the radio astronomy service on the grounds that such requests were beyond the scope of this proceeding and that, in any event, such action would be premature prior to the conclusion of proceedings in Docket No. 11997.

9. Progress Broadcasting Corporation supported the Commission's proposal as a fair and equitable compromise solution to a difficult problem.

10. Of the radio astronomy proponents filing formal comments, relatively few responded specifically to the previously-mentioned six questions directed to them. Those questions, and the replies thereto, are set forth below.

A. *During what hours of the day and during what seasons of the year will observations with the University of Illinois radio telescope be required?*

The University of Illinois, supported by Penn State, University of Michigan, National Radio Astronomy Observatory, Graduate Research Center of the Southwest, and the University of California, stated that the initial program ideally requires 24 hours per day, 365 days per year but that natural or man-made obstacles prevent that ideal from being realized. When the sun is at or near meridian, its radiation at 608–614 Mc/s is so strong that it obliterates extragalatic signals. High winds, ice storms and snow storms can create a hazard to personnel normally making manual settings to the antennas at the Illinois observatory, thus delaying observations.

California and Michigan made the additional point relative to the need for freedom of access to the band by noting that the moon occasionally occults signals from certain sources. These occultations occur six to twelve times per year and offer a unique opportunity to obtain high effective angular resolution of the brightness and polarization distributions of the occulted source. This is done most satisfactorily in the general area of the UHF–TV band. Above this region, the thermal radio emission from the moon tends to mask the non-thermal radiation from radio sources, which decreases in intensity as frequency is increased, and uncertainty is introduced. Below this region, defraction around the moon's limb reduces greatly the accuracy of the angular resolution of occultations.

B. *What programs of research are currently planned for the University of Illinois radio telescope and what time schedules are involved?*

The Universities of Illinois, Michigan, Alaska, California and Penn State and the NRAO replied to the effect that Illinois' initial program will consist of cataloging accurate positions and flux densities of signal sources. A five year program contemplates twelve to sixteen hours per day of interference-free observations. Under the Commission's proposal, respondents state that period might be as little as four hours per day and it could require fifteen to twenty years to complete the program. Therefore, if any time limit is placed on the use of the channel for radio astronomy it should be twenty years rather than five.

Later programs, not defined at this time, would probably be general observing programs such as the initial program. There is no foreseeable time when the Illinois radio telescope would cease to perform a useful function.

C. *What is the nature and importance of the results expected to be obtained from the programs referred to in B above?*

Collectively, those responding to A and B above, anticipate the following results from the University of Illinois program:

1. Determination of the flux density of individual sources;

2. More accurately established positions of individual sources;

3. Determination of the character of emissions from different sources;

4. Important information on the nature of the universe and of the nature of its expansion;

5. Optical identification of extragalactic radio sources will be facilitated;

6. Information that will help explain why one galaxy is an emitter and another is not; and

7. Measurements of flux densities of radio sources on Channel 37 by the University of Illinois, coupled with similar measurements at other points in the United States and abroad, will provide additional information on the origin of high energy particle radiations in the universe.

Later programs are expected to throw light on possible variability of certain sources, their angular diameters and composite structure.

D. *Could the program of research now planned for the University of Illinois radio telescope be carried out at any other existing facility?*

The University of Illinois, supported by NRAO, Penn State and Michigan, stated that the question incorrectly assumes that observations are so few in number that programs can be switched from one instrument to another without a serious net loss in the amount of information obtained. The analogy is drawn between optical and radio telescopes, pointing out that the 200" telescope at Mt. Palomar can do all the 120" telescope at Lick Observatory can do, but that it would be absurd to suggest that the 120" can be abandoned in favor of the 200". Additionally, the University of Alaska stated that the Illinois radio telescope has the largest effective antenna reception area now in existence in the U.S., and all conclude that there is no alternative instrument in the U.S.

E. *What is the minimum bandwidth within which protection is required for the University of Illinois radio telescope?*

The consensus of the seven respondents to this point is that 6 Mc/s is the minimum bandwidth necessary to protect the Illinois telescope. This would provide a signal bandwidth of about 4 Mc/s with guard bands on either side. The broader the bandwidth, the more sensitive the instrument, with the sensitivity increasing as the square root of the bandwidth.

F. *To what extent is it expected that radio signals originating on earth and reflected off the moon or man-made satellites will prove to be sources of interference to the University of Illinois radio telescope? How would such interference compare, in severity, with that generated directly by Channel 37 TV stations at various distances from the telescope?*

The Graduate Research Center of the Southwest and Penn State took the position that an exclusive allocation to radio astronomy would be highly desirable because of inevitable reflections from aircraft, the moon and earth satellites if stations are transmitting in the band. The Universities of Illinois, Michigan and Alaska expressed the opinion that satellites such as ECHO would not create a serious problem due to their rapid motion.

The University of Illinois made reference to a report prepared by the Central Radio Propagation Laboratory (CRPL) of the Bureau of Standards, dated February 5, 1963, "Potential Interference from UHF Television Channel 37 to the Radio Astronomy Service" wherein calculations showed that a television station using Channel 37, on the Empire State Building, with an effective radiated power of 202 kw would result in a power of −191 [1] dbW at the output terminals of the Illinois antenna approximately 5 percent of the time as a result of tropospheric scattering of the television signal. Since

[1] CCIR report No. 224 (Geneva, 1963) deals with tolerable levels of interference for radio astronomy. It concludes that a sophisticated low-noise receiver at 640 Mc/s would suffer harmful interference in the presence of unwanted fields in excess of 0.017 microvolts/meter. It also indicates 7.9×10^{-26} $W/m^2/c/s$, incident upon an isotropic antenna, as the tolerable level. This is equivalent to −251 dbw or −194 dbw for a 5 Mc/s bandwidth as used in the CRPL calculations. For receiving antenna gain G, the tolerable level becomes (7.9×10^{-26}) $(10^{-G/10})$ $W/m^2/c/s$.

this level of signal is within the detection capability of the radio telescope, the respondent was of the opinion that nearly as many spurious sources would be recorded as real sources. It was anticipated that a television antenna 365' high at Paterson, N.J., with an ERP of 242 kw would produce similar results.

By comparison, power received as a result of reflection from the moon, where the moon is on the horizon with respect to the television station at Paterson, and randomly oriented with respect to Danville, would be −222 dbw and therefore not a threat to the radio telescope. On the other hand, if the moon were randomly oriented with respect to the television station, and in the main beam of the radio telescope, the power received would be −163 dbw and heavy interference would result. Under the latter conditions, observation of moon radiation at 610 Mc/s would be impossible.

11. SITC filed comments in reply to those of the University of Illinois, expressing the view that Illinois was inconsistent in its appraisal of the time required to complete its present program, in that the magazine article referred to in the Commission's notice stated a need for five years of night-time hours, whereas the filing with the Commission indicated a need for 12 to 16 hours per day of actual observing time. SITC took exception to the assumptions used in the CRPL report referred to above. The CRPL calculations, while not detailed in the Illinois filing, were made available to SITC by Illinois. SITC contends that with very minor changes in the CRPL assumptions, it can be shown that interference will never be experienced at the Illinois radio telescope from a television station at Patterson. SITC further contended that the University of Illinois had not demonstrated that signals of sufficient intensity to cause interference would be present at the output terminals of the radio telescope. This contention is based on the fact that the radio telescope half-power beamwidth measured from the centerline of the main lobe covers only nine minutes of arc and operates at or close to zenith angles, whereas interference signals reaching the area by means of tropospheric scatter would be confined to low angles of arrival and hence discriminated against by the directivity of the radio telescope. Additionally, since the latter is located beneath the surface of the earth, it appears reasonable, in SITC's view, that some measure of terrain shielding would tend further to isolate the telescope from such interfering signals. SITC further argued that while Illinois claims interference would be received from the moon (−163 dbw) when the moon is in its main beam, Illinois does not show the probability of the existence of such a geometrical arrangement, which in fact could occur during the quiet hours specified for television stations in the Commission's proposal. SITC considered unrealistic the need for protection requested by Illinois when compared to the criteria used by the NRAO, Green Bank, West Virginia. Despite the fact that the NRAO antenna has a sensitivity approaching that of Illinois, NRAO requests only that no television stations operate within 150 miles of Green Bank on frequencies being observed by NRAO.

12. A number of pertinent comments were received, not related directly to the specific questions treated above. Carnegie Institution of Washington, National Science Foundation and the University of Illinois deplored the proposal to afford a protection period of only five years on the grounds that: (1) Even though it proved sufficient to permit a cataloguing of discrete radio sources, it would not permit time in which to study things discovered during that period; (2) the life expectancy of the Illinois telescope is considerably in excess of five years, yet it would be afforded no protection after January 1, 1968; and (3) an instrument designed to meet a specific objective need not be abandoned when that project is completed.

13. As an indication of the degree to which Channel 37 would be used by astronomers, it is mentioned in the comments that the University of Illinois and Stanford University are now observing in that band; the Universities of California and Michigan as well as the Carnegie Institution of Washington have specific plans underway to use it; and the University of Pennsylvania will use it if made available to the radio astronomy service. While several other observatories were not specific as to future planning, their comments implied that observations would be conducted in the band if made available.

14. Dr. R. M. Fristrom, Johns Hopkins University Applied Physics Laboratory, commenting as an individual, suggested a compromise solution whereby radio astronomy and television might share time on Channel 37. He does not vouch for the practicality of his approach and suggests it be examined critically by workers in the field to ascertain whether it holds promise. Dr. Fristrom suggests that Channel 37 be exchanged for an unused educational TV channel wherever possible, making Channel 37 available for educational purposes. A private foundation would then be established, sympathetic to radio astronomy's needs, to ensure a reasonable amount of public usage while minimizing interference to radio astronomy. In instances where no educational channel is available to trade for Channel 37, and it has been assigned to commercial interests, a private foundation might buy and operate the station, or buy advertising time and dedicate it as blank time to radio astronomy. He considers it important to operate one TV station experimentally on the channel to test compatibility techniques and to devise new ones. Under his plan, discrete segments of each hour could be designated as "quiet-time" or the radio astronomy observations could be interleaved in time with the TV transmissions. In the latter case, it is suggested that the TV signal be transmitted with a millisecond blank time at the end of each line—which might result in a signal degradation of about 10 percent. Also suggested is the blanking of alternate pictures or every other raster line, which respondent assumes will result in about a 50 percent degradation of the resolution. In either case, all radio astronomy observations within interference range of such a television station would have to be carefully synchronized with the television signal, and in either case the viewing public would be subjected to a seriously degraded picture. In the Commission's view, such an approach should be considered only as a last resort.

15. Of the remaining 100 or so comments filed in this proceeding, none raised a point or posed a question not contained in the formal filings identified by name in paragraph 5 above and, except for the broadcasting interests, were virtually unanimous in urging that Channel 37 be allocated permanently on an exclusive and nation-wide basis to the radio astronomy service. The University of Alaska, in supporting this position, pointed out that the space program requires knowledge of the particle and electromagnetic radiation pervading space at different times and places and that the radio astronomy service plays a major role in securing such information. The National Radio Astronomy Observatory expressed disbelief that Paterson, New Jersey needs a TV channel badly enough to jeopardize radio astronomy throughout the eastern United States when it is already served by many stations. In this connection, it is noted that no member of the general public in the Paterson area, or elsewhere, commented in favor of retaining Channel 37 for television.

16. Among the many filings in this proceeding, both from radio astronomers and the general public, a number of misconceptions have come to light. Among these are statements such as: (1) The FCC has taken Channel 37 away from radio astronomy and given it to commercial television; (2) * * * 608–614 Mc/s is at present the only remaining band in its octave not already assigned for use by transmitters and has been recommended for radio astronomy in the radio regulations * * *; (3) * * * the general need of radio astronomy for one clear channel per octave of the radio spectrum is known to the FCC. So far, two such channels have been provided in the U.S., namely, 404–410 Mc/s and 1400–1427 Mc/s * * *; (4) European broadcasters have been excluded from the use of the band 606–614 Mc/s; (5) * * * at the Stockholm Conference of a year ago, the European authorities agreed to keep the over-lapping two channels in this region as clear as possible for radio astronomy use * * *; (6) * * * the Geneva Conference, 1959, adopted a substantial measure of protection for 606–614 Mc/s which has led internationally to considerable progress * * *; and (7) * * * the FCC Docket suggests an appalling lack of comprehension within the FCC of the nature and needs of radio astronomy and yet the Commission has power to cripple and perhaps even destroy radio astronomy. We comment on these matters below, in the interest of clarification.

17. (1) The UHF-TV band, 470–890 Mc/s, consisting of Channels 14 through 83, has been allocated exclusively for television broadcasting since April 11, 1952, and no portion thereof has ever been allocated to the radio astronomy service within the United States.

(2) As of July 29, 1963, no authorizations had been granted and no applica-

tions were on file with the Commission for Channels 54, 60 or 68, representing the frequency bands 710–716 Mc/s, 746–752 Mc/s and 794–800 Mc/s, respectively.[2]

(3) Since October 1961, as reflected in Part 2 of the Commission's Rules, the following frequency bands have been allocated exclusively to the radio astronomy service on a nation-wide basis:

Mc/s	*Mc/s*
40.66–40.70	10680–10700
73.0–74.6	15350–15400
1400–1427	19300–19400
2690–2700	31300–31500
4990–5000	

On that same date, the following additional frequency bands were allocated to the radio astronomy service on a secondary basis:

kc/s	*Mc/s*
2495–2505	24.99–25.01
4995–5005	404–406
9995–10005	
14990–15010	
19990–20010	

18. Items (4), (5), (6) and (7) of paragraph 15 are best treated in a chronological discussion of how the United States arrived at its present posture, insofar as frequency allocations to the radio astronomy service are concerned. Although radio astronomy got its start in 1937 through the work of Karl Jansky, it was not until 1955 that any official action was initiated in the United States to cater to the frequency requirements of that budding science. Becoming aware of the upsurge of interest in radio astronomy, in early 1955 the Commission issued a public notice soliciting the views of radio astronomers relative to their frequency needs. Simultaneously, similar action was taken by the Interdepartment Radio Advisory Committee (IRAC) to ascertain the frequency requirements of various government agencies in support of radio astronomy. Although an appreciable number of replies to each inquiry were received, there was virtually no correlation in stated requirements between any two replies. The stated needs were so diverse as to preclude any realistic reallocation of the spectrum to accommodate them. Something approaching a total of 4000 Mc/s of spectrum space would have been required to satisfy what amounted to individual, randomly-selected and unrelated bands throughout the spectrum.

19. Following a series of discussions and exchanges of correspondence with Associated Universities, Inc., and after consultation with the IRAC, the Commission adopted a notice of proposed rule making in Docket No. 11745 on June 20, 1956, looking toward the establishment of a protected zone around the newly established National Radio Astronomy Observatory at Green Bank, West Virginia and the Naval Radio Research Observatory at Sugar Grove, West Virginia. Comments in response to that Notice resulted in the adoption of a further notice of proposed rule making on June 5, 1958 in the same Docket. Subsequently, on November 19, 1958, the Commission issued a Report and Order in this Docket amending Parts 3, 4, 5, 6, 7, 9, 10, 11, 16, 20, and 21 of its Rules to stipulate the following concept in each:

> In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Citizens Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N., on the north 78°30′ W. on the east, 37°30′ N. on the south and 80°30′ W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

Through this action, and parallel action by the IRAC with respect to government operations, a "quiet zone" extending approximately 100 miles on each side and embracing the entire radio spectrum was established to protect radio astronomy observations at Green Bank and Sugar Grove, W. Va.

20. The International Radio Consultative Committee (CCIR) is one of the permanent organs of the International Telecommunication Union (ITU) and normally holds Plenary Assemblies at three year intervals. Recommendations and Reports adopted by such assemblies serve as technical bases upon which subsequent Administrative Radio Conferences can develop changes in the international Table of Frequency Allocations in the event other considerations indicate a change is warranted. The IXth Plenary Assembly of the C.C.I.R. (Los Angeles, April 1959) adopted Recommendation No. 314 pointing out the basic needs of radio astronomy, i.e., bands in which spectral line radiations could be observed and those in which continuum observations could be made. Spectral lines are characteristic of specific elements and represent their natural periods of oscillation, and hence the frequencies at which such radiations appear in the radio spectrum. Spectral lines are dictated by nature and offer the frequency allocator no choice except in the width of the band which might be reserved for the study of the spectral line. Continuum observations, on the other hand, may be conducted in any part of the radio spectrum, but, in order to get the best sampling of data, should be conducted in a series of bands having octave relationships throughout the spectrum. The specific spectral lines and associated bandwidths for which complete international protection was recommended by the C.C.I.R. are as follows:

deuterium 327.4 Mc/s	(322–329 Mc/s)
hydrogen 1420.4	(1400–1427 Mc/s)
OH radical 1667	(1645–1675 Mc/s)

Of the three, only radiations from monatomic hydrogen have ever been detected in nature. The bands suggested for continuum studies in Recommendation No. 314 were 40, 80, 160, 640, 2560, 5120 and 10240 Mc/s, with over-all bandwidths increasing from a minimum of 1.5 Mc/s to 20 Mc/s. It will be noted that insertion of the deuterium and hydrogen bands into the list of continuum bands would complete the octave or approximate harmonic relationship of the total list.

21. Subsequent to the IXth Plenary Assembly, Recommendation No. 314 was considered by the ITU Administrative Radio Conference (August–December, 1959) to determine the extent to which radio astronomy could be accommodated. Because of a number of factors, most important of which was spectrum occupancy due to existing radio services, the radio astronomy service was afforded allocation status in only one band, 1400–1427 Mc/s. By footnotes to the international Table, the following bands were made available to radio astronomy on a world-wide basis without rights of protection from those services having allocation status in the body of the Table itself: 2690–2700 Mc/s, 4990–5000 Mc/s, 10680–10700 Mc/s, 15350–15400 Mc/s, 19300–19400 Mc/s and 31300–31500 Mc/s. Below 1000 Mc/s, however, it was not possible for the Conference to reach agreement on a world-wide basis and only Regional provisions could be agreed for radio astronomy. For example, Recommendation No. 32 of the Conference recommended that administrations, in preparing for the *next* Administrative Radio Conference, give consideration to the possibility of making an allocation in the range 37–41 Mc/s and in the meantime avoid, as far as practicable, assigning transmitting stations at 38 and 40.68 Mc/s ±0.25 Mc/s. In ITU Region 2 (the Americas) 73–74.6 Mc/s was made available by footnote, whereas the remaining two Regions gave the radio astronomy service footnote status in the band 79.75–80.25 Mc/s. Region 1 (European and African areas) made 150–153 Mc/s available by footnote but the rest of the world could not accommodate radio astronomy anywhere in this part of the spectrum. Something approaching unanimity was achieved in footnote No. 317 wherein 404–410 Mc/s was made available in Regions 2 and 3 and 406–410 Mc/s was made available in Region 1.

22. Finally, with regard to the band 608–614 Mc/s, footnote No. 332 provides that:

> In Regions 1 and 3, the band 606–614 Mc/s may be used by the radio astronomy service until such time as it is required for use by other services to which this band is allocated. During this period administrations

[2] There appears no prospect of clearing these bands world-wide for radio astronomy, and they are not now being observed in the United States.

should take all practicable measures to avoid harmful interference to radio astronomy observations.

23. Additionally, a European VHF/UHF Broadcasting Conference was convened in Stockholm, Sweden in 1961, under the auspices of the ITU, to devise an allotment plan whereby the broadcasting needs of the countries concerned could best be met with a minimum of interference to other countries and to themselves. Recommendation 2, adopted by that Conference, recommends that:

Administrations should continue to comply, as far as practicable, with a request made by the Inter-Union Committee on the Allocation of Frequencies for Radio Astronomy and Space Science (I.U.C.A.F.) to avoid the use of Channel No. 38 (606–614 Mc/s) in the development of their UHF broadcasting services.

Despite the adoption of that Recommendation however, the Conference allotted the channel for use by the broadcasting service in a total of 41 cities in 14 different countries. Records available to the Commission show that the channel is now in use for broadcasting at three locations in Germany and two locations in the USSR. Additionally, records indicate that Italy is using portions of the same band at three locations for point-to-point operations.

24. In April 1963, a VHF/UHF African Broadcasting Conference was convened in Geneva for the same basic purpose as the Stockholm Conference. The results of that Conference, as they pertain to Channel 37 (Channel 38 in ITU Region 1), and as reported in Telecommunication Journal, July 1963, are as follows:

* * * At an earlier stage it was decided to protect the radio astronomy service at least to the extent to which it was protected in the Stockholm Agreement. In the Stockholm Agreement the use of Channel 38 which coincides with band 606–614 Mc/s used in radio astronomy, was to be avoided "as far as practicable." When bands IV and V were being considered in the Plenary session, this matter was again discussed. By this time, several countries had included Channel 38 transmissions in their plans. Since radio astronomy is of vital importance to the world and that no infallible method exists of providing protection in this service if terrestrial emissions take place, the case of Channel 38 was reopened. At this point the delegation with the largest number of Channel 38 stations intervened and announced a dramatic modification—their deletion of all proposed use of Channel 38. This action was greeted with spontaneous acclamation, as was the announcement by successive delegations that Channel 38 would not be used for television * * *

25. The Channel 37 problem first arose in the United States when, on May 6, 1960, the University of Illinois filed with the Commission a petition for rule-making requesting the re-allocation of Channel 37 (608–614 Mc/s)[2] from television broadcasting to radio astronomy on a national basis. The petitioner stated that construction of the telescope was under way near Danville, Illinois, under a contract with the Office of Naval Research. The design frequency had by then been selected and construction initiated in the hope and anticipation that 610–615 Mc/s would be reserved for radio astronomy by the Geneva Conference (1959) as part of a proposal advanced by the Netherlands which was not supported by the United States or other countries in Region 2. On March 8, 1961, the Commission adopted a Memorandum Opinion and Order denying the University of Illinois petition. On April 11, 1961, the University of Illinois filed a Petition for Reconsideration and shortly thereafter asked, by letter, that the petition be held in abeyance pending disposition of the proceedings in Docket No. 11997 and that the petition be taken into consideration in that proceeding.

26. Assertions charging the Commission with a lack of comprehension of the nature and needs of radio astronomy and implications that the Commission might cripple and even destroy radio astronomy are unjustified and cannot be supported by facts. Whereas the existing international Radio Regulations afford radio astronomy only footnote status in all bands other than 1400–1427 Mc/s, as described in paragraph 20, it will be noted in paragraph 16 that virtually all of those bands have been afforded allocation status in the United States. That improved position is a direct result of actions initiated by the Commission, on its own motion, in consultation with the Office of Emergency Planning and the IRAC. Further, the proposals of the United States to the Extraordinary Administrative Radio Conference to be convened in Geneva on October 7, 1963 to deal with frequency allocations for space radiocommunication and radio astronomy, recommend that the following bands be allocated to the radio astronomy service on a world-wide exclusive basis:

Mc/s	*Mc/s*
1400–1427	15350–15400
2590–2600	19300–19400
4990–5000	31300–31500
10680–10700	

Under those same proposals, 73.0–74.6 Mc/s would be allocated exclusively to radio astronomy in Region 2, 402–404 Mc/s would be allocated world-wide on a shared basis with meteorological aids, and 1664.4–1668.4 Mc/s on a world-wide basis with meteorological satellites. In the last two cases, radio astronomy would be afforded secondary status.

Decision. 27. Returning to the matter at hand, the comments submitted in this proceeding and all other information available to the Commission support the following findings and conclusions:

(a) Data which are of significant scientific value, and which may be of importance in the nation's space program, can be obtained through radio astronomy observations in the UHF TV portion of the radio spectrum under the present state of the art.

(b) Obtaining certain of these data depends upon observations in the same frequency band over extended geographical areas.

(c) The only prospect for world-wide clearance of frequencies for radio astronomy in this portion of the spectrum is in the band 608–614 Mc/s.

(d) Considering only the University of Illinois observatory, and in view of the necessary protection level cited previously on CCIR Report No. 224, there is doubt as to the adequacy of a protected radius in the order of 600 miles. It is probable that Channel 37 operations at Paterson, New Jersey would interfere with observations at Danville to a certain extent. Also (since interference from different sources would probably not occur simultaneously) the situation would be complicated by interference from other Channel 37 stations if authorized. Moreover, any interference which would exist, even though for only a small percentage of time, might occur at critical times in the observing process. To the extent that observation programs would be interfered with, the time of completing them might well be substantially increased, so that a longer period of protection would be required to achieve the same results.

(e) Activation of the Illinois radio telescope will not obviate the need for additional observations in different programs in the band 608–614 Mc/s at other locations in the United States, particularly in view of the fixed nature of the Illinois radio telescope. It appears that observations at other points will be made and that adequate interference protection should be afforded to radio astronomy observations in the band 608–614 Mc/s throughout the United States rather than to the Danville site alone.

28. The Commission is also persuaded by the comments filed that a five year period would be insufficient to meet the needs of radio astronomy in general in this portion of the spectrum. While perhaps adequate for initial programs, it would not permit a protected period during which initial discoveries could be explored further. It would also be insufficient to justify the installation of additional equipment at observatories other than Danville, Illinois. On the other hand, it cannot be concluded from the facts at hand that a permanent reservation for this service and withdrawal of the band for television, is justified. The Commission has concluded that a period of 10 years should be adequate to meet the needs of radio astronomy and justify the installation of observing equipment. In the interim, the matter will be subject to periodic review to determine whether the protected status should be maintained or whether Channel 37 should revert in whole or in part, to the television broadcasting service.

29. Failure to provide adequate protection to radio astronomy in this portion of the spectrum may do irreparable harm to the cause of scientific development. Therefore, the Commission concludes it would be in the public interest to make Channel 37 available to radio astronomy, by footnote to the Table, on a nation-wide basis for a ten-year period during which Channel 37 will not be assigned to any television broadcasting station. Further, it is the Commission's intention: (1) to solicit the cooperation of Canada and Mexico in taking similar action in those countries; and (2) to initiate action looking toward modification of the USA proposals to the Space

[2] Channel 37 in the U.S. corresponds, in part, to Channel 38 in Europe.

Conference in October, to recommend that this channel be reserved for radio astronomy on a world-wide basis for a ten-year period.

30. We recognize that the showing made in support of a nation-wide Channel 37 reservation for radio astronomy has some limitations, and there is some merit in the broadcaster's arguments. Nevertheless, it must be borne in mind that inevitably a showing with respect to this new science, its needs and potential, must at this point be somewhat speculative in nature. In view of the united interest of the scientific community in such a reservation, and the vast potential offered by radio astronomy for adding significantly to our knowledge of the universe, we do not believe it to be in the public interest to close the door on, or even jeopardize, whatever benefits may be derived from such operations, at Danville and elsewhere, by failing to afford them temporary nation-wide protection in the 608–614 Mc/s band, which is the one appearing most feasible for international agreement on this use.

31. In providing for a ten-year reservation and withdrawal from television, we have of course weighed the loss in potential TV service both specifically at Paterson, New Jersey (and Melbourne, Florida, where another application for the channel is pending) and, in general, in terms of total existing and potential assignments. § 3.606 presently contains slightly more than 15 Channel 37 assignments, and the staff's recent UHF allocation studies indicate that about 30 assignments per channel can be made in the 43 conterminous states. On the basis of applications presently on hand we would be able to satisfy the requirements of those cities wherein Channel 37 would otherwise be available. However, if the usage of the UHF TV band grows as anticipated, the satisfaction of such needs will become increasingly difficult and, in some areas, impossible. To the extent that these Channel 37 requests are satisfied by replacements drawn from another area, there will of course be a net loss to the area from which the replacement is withdrawn. It appears highly unlikely that any viewers will lose the only service they would otherwise have available. At Paterson, for example, we are proposing a specific replacement for Channel 37 in the new UHF Table. To the extent that real losses in potential are involved, we believe the loss is outweighed by the potential gain accruing through the advancement of science.

32. We mentioned above, and wish to re-emphasize, that the Commission is not by this action permanently withdrawing Channel 37 for the broadcast service. Accordingly, in the Table of Assignments we will continue to list Channel 37 assignments, with a note indicating that they will not be available for use until after January 1, 1974.

33. In commenting on the bandwidth required for a radio-telescope in this portion of the spectrum, one respondent stated "* * * it is to be strongly recommended that TV stations on adjacent channels be placed as far from the radio-telescope as possible because of the danger of spurious radiation interference * * *". In this connection, it must be made quite clear that the Commission has no intention of placing any constraints upon the use of Channels 36 and 38 apart from those now applicable to all other UHF–TV channels in Part 3 of the rules. This absence of constraints includes complete freedom to modify the Table of Assignments as necessary in the public interest. Also pertinent to this point is the matter of radiation from oscillators in television receivers and the possibility of interference to radio astronomy observations resulting therefrom. As an example, the radiation from television tuned to Channel 30 would fall within Channel 37. Therefore, practical observations on Channel 37 would be precluded in areas reasonably close to a television station operating on Channel 30 because of the cumulative effect of a number of receivers tuned to that channel. The practical answer to the problem of adjacent channel operation as well as the receiver radiation problem is the establishment of radio astronomy observatories in remote areas, well removed from centers of population density. Location of Channel 37 observatories should of course take into account all UHF–TV channel assignments provided in our present and proposed Table.

34. Although most comments failed to mention the subject of adjacent channel interference, the potential magnitude of the problem should be brought to the attention of the radio astronomy community since it will tend to limit the usefulness of Channel 37 for radio astronomy in many areas of the country. For example, according to information filed with the Commission in Docket No. 11654 by the Electronic Industries Association (EIA), a typical television visual transmitter has a radiated spectrum signature at the lower channel edge which is 50 db below the peak visual power in a 0.1 Mc/s bandwidth. This typical signature is 75 db down at the center of both the upper and lower adjacent channels. If the 20 db vestigial sideband filters were removed it is reasonable to assume that the radiated power at the lower channel edge would be 30 db below the peak visual power in a 0.1 Mc/s bandwidth. Section 3.687 of the Commission's rules permits a 1 kw visual transmitter operating on Channels 15–83 to have an amplitude characteristic exhibiting no attenuation at the lower channel edge and 20 db attenuation at the upper channel edge. With antenna gains on the order of 15 db, a UHF–TV transmitter on Channel 36 or 38 could legally radiate appreciable power well into Channel 37. In practice, however, most of the power radiated by a TV visual transmitter (with the exception of the color subcarrier) is within 1 megacycle of the visual carrier frequency. In addition to remotely located observatories, the problem of adjacent channel interference can be minimized by observing in that portion of Channel 37 farthest removed from the interfering signal, i.e., 608–611 or 608–612 Mc/s to avoid Channel 38 and 610–614 or 611–614 Mc/s to avoid Channel 36.

35. The specific rule changes necessary to carry out the Commission's decision, authority for which is contained in section 4(i) and 303 of the Communications Act of 1934, as amended, are found below.

36. *It is ordered,* That the proceedings in this docket are terminated and it is further ordered, That effective November 15, 1963, Parts 2 and 3 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 4, 1963.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.106 is amended by adding a new footnote NG48 designator in Column 7, in the frequency band 470–890 Mc/s, and by adding a new footnote as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

NG48 Stations in the broadcasting service will not be authorized in the band 608–614 Mc/s prior to January 1, 1974. In the interim the band is available for use by the radio astronomy service. The radio astronomy service shall be protected from extra-band radiation only to the extent that offending stations are required to comply with the technical standards applicable to the service in which they operate.

2. Section 3.603 is amended by adding a new paragraph (c) as follows:

§ 3.603 Numerical designation of television channels.

* * * * *

(c) Channel 37, 608–614 Mc/s, is not available for assignment prior to January 1, 1974.

[F.R. Doc. 63–10797; Filed, Oct. 10, 1963; 8:47 a.m.]

[4] Dissenting statement of Commissioner Lee in which Commissioner Cox joins filed as part of the original document.

[FCC 63-857]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 9—AVIATION SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 12—AMATEUR RADIO SERVICE

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

Schedule of Fees for Filing Applications for Commission Authorizations

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 25th day of September 1963;

It appearing, That, on May 6, 1963, the Commission, in the proceeding in Docket 14507, adopted a fee schedule for its licensing and regulatory activities, effective January 1, 1964;

It further appearing, That today the Commission granted in part various petitions for reconsideration filed in the above-mentioned proceeding and made certain changes in the schedule of fees and denied those and other petitions in all other respects; and

It further appearing, That the fee schedule as revised and the rules pertaining thereto appear only in Part 1 (Subpart G) and that the pertinent portions of the fee schedule and rules should be included in the rule parts governing the Safety and Special Radio Services; and

It further appearing, That the rule amendments ordered herein are editorial in nature in that they codify in other rule parts the rules (Subpart G, Part 1) adopted following a public rule making proceeding, and therefore the prior notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable:

It is ordered, Pursuant to authority contained in sections 4(1) and 303(r) of the Communications Act of 1934, as amended, that Parts 7, 8, 9, 10, 11, 12, 14, 16 and 19, are amended, effective January 1, 1964, as shown below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 7, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

No. 199——4

1. Part 7, is amended by adding two new sections to read:

§ 7.49 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 7.50 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 7.50 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part shall be accompanied by the fees prescribed below:

Applications for radio station authorizations for operational fixed radio stations for which frequencies above 952 Mc/s are requested (no fee is required for applications for license to cover construction permit)	$30
Applications for renewal of license only for which FCC Form 405–A is prescribed	4
All other applications for radio station authorizations governed by this part	10

(b) Fees are not required in the following instances:

Applications filed pursuant to §§ 7.41(b) and 7.48 (informal applications for special temporary authority and applications in an emergency).

Applications filed by governmental entities.

2. Subpart B, Part 8, is amended by adding two new sections to read:

§ 8.53 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 8.54 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 8.54 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part shall be accompanied by the fees prescribed below:

All applications for radio station authorizations governed by this part	$10
Applications for exemption from the radio equipment and operator requirements of Part II or Part III of Title III of the Communications Act of 1934, as amended, and/or the Safety of Life at Sea Convention, or application for modification or renewal of exemption previously granted thereunder	10
Application for exemption from the requirements of the Great Lakes Agreement, or modification or renewal thereof	10

(b) Fees are not required in the following instances:

Applications filed pursuant to §§ 8.41 and 8.42 (informal applications for special temporary authority and applications in an emergency).

Informal exemption applications filed pursuant to §§ 8.49 and 8.52 in cases of emergency.

Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention and Parts II and III, Title III, of the Communications Act of 1934, as amended.

Applications filed by governmental entities.

3. Part 9 is amended by adding two new sections to read:

§ 9.4 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 9.5 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The

Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 9.5 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part shall be accompanied by the fees prescribed below:

Applications for radio station authorizations for operational fixed radio stations for which frequencies above 952 Mc/s are requested (no fee is required for applications for license to cover construction permit)	$30
All other applications for radio station authorizations	10

(b) Fees are not required in the following instances:

Applications filed pursuant to § 9.108 (Special Temporary Authorization).
Applications filed by governmental entities.
Applications for Civil Air Patrol Stations (Subpart S).
Applications for Radionavigation Stations (Subpart O).
Applications for Aeronautical Search and Rescue Mobile Stations (Subpart W).

4. Part 10 is amended by adding two new sections to read:

§ 10.69 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 10.70 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 10.70 Schedule of fees.

(a) *No fee services.* No fee is required for filing applications in the Police, Fire, Forestry-Conservation, Highway Maintenance, Local Government and State Guard Radio Services.

(b) *Fees in Special Emergency Radio Service.* (1) Except as provided in subparagraph (2) of this paragraph, applications filed on or after January 1, 1964, in the Special Emergency Radio Service under this part shall be accompanied by the fees prescribed below:

Applications for radio station authorizations for operational fixed radio stations for which frequencies above 952 Mc/s are requested (no fee is required for applications for license to cover construction permit)	$30
Applications for renewal of license only for which FCC Form 405–A is prescribed	4
All other applications for radio station authorizations	10

(2) Fees are not required for applications filed in the Special Emergency Radio Service in the following instances:

Applications filed by hospitals, disaster relief organizations, beach patrols, school buses, non-profit ambulance operators and rescue organizations.
Applications filed pursuant to § 10.56 of this chapter (informal requests for special temporary authority).
Applications filed by governmental entities.

5. Part 11 is amended by adding two new sections to read:

§ 11.67 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 11.68 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 11.68 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part shall be accompanied by the fees prescribed below:

Applications for radio station authorizations for operational fixed radio stations for which frequencies above 952 Mc/s are requested (no fee is required for applications for license to cover construction permit)	$30
Applications for renewal of license only for which FCC Form 405–A is prescribed	4
All other applications for radio station authorizations	10

(b) Fees are not required in the following instances:

Applications filed pursuant to § 11.53 (informal applications for special temporary authority).
Applications filed by governmental entities.
Applications for closed circuit educational television service for which frequencies above 952 Mc/s are requested.

6. Part 12 is amended by adding two new sections to read:

§ 12.85 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 12.86 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 12.86 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part must be accompanied by the fees prescribed below:

Applications for initial license, including new class of operator license, and applications for renewal of license	$4
Applications for modification of license without renewal	2
Applications for a combination of modification and renewal of license	4
Application for a specific call sign pursuant to § 12.81(a)	20

NOTE: Reassignment of a specific call sign held under an expired license is not subject to this fee if an application for renewal is filed within 1 year after the expiration date of the license.

(b) Fees are not required for the following types of amateur applications:

Applications for Novice license.
Applications for a license for a station for recreation under military auspices.
Applications filed in the Radio Amateur Civil Emergency Service.

7. Section 14.25(b) is amended to read:

§ 14.25 Rules in other parts applicable.

* * * * *

(b) So far as they are consistent with this part, the following rule sections contained in Subpart B of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.23, 7.25 to and including 7.37, 7.39(a), 7.40 (a) (3), (4) and (b), 7.41 to and including 7.45, 7.47, 7.48, 7.49, and 7.50.

8. Part 16 is amended by adding two new sections to read:

§ 16.66 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 16.67 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 16.67 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part shall be accompanied by the fees prescribed below:

Applications for radio station authorizations for operational fixed radio stations for which frequencies above 952 Mc/s are requested (no fee is required for applications for license to cover construction permit)	$30
Applications for renewal of license only for which FCC Form 405–A is prescribed	4
All other applications for radio station authorizations	10

(b) Fees are not required in the following instances:

Applications filed pursuant to § 16.53 (informal applications for special temporary authority).
Applications filed by governmental entities.

9. Part 19 is amended by adding two new sections to read:

§ 19.18 Payment of fees.

(a) Each formal application for which a fee is prescribed in § 19.19 must be accompanied by a remittance in the full amount of the fee. In no case will an application for which a fee is prescribed be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

(b) Fee payments accompanying applications submitted to the Commission should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140).

(c) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(d) All fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted. Refunds will be made only in the case of payments in excess of the fee prescribed in this subpart.

§ 19.19 Schedule of fees.

(a) Except as provided in paragraph (b) of this section, applications filed on or after January 1, 1964, under this part must be accompanied by the fees prescribed below:

Applications for new, renewed, or modified Class A radio station licenses	$10
Applications for new, renewed, or modified Class B, C, or D radio station licenses	8

(b) Fees are not required for applications filed by governmental entities.

[F.R. Doc. 63–10798; Filed, Oct. 10, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

SOYBEANS

Proposed Interpretation Regarding Term "Purple Mottled or Stained" When Used in Grain Standards

Notice of proposed interpretation with respect to the term "Purple Mottled or Stained" when used in the official grain standards of the United States for soybeans.

Statement of considerations. The official grain standards of the United States for soybeans (7 CFR §§ 26.601–26.603) were revised effective September 1, 1955. The revised standards provide that "Soybeans which are purple mottled or stained shall be graded not higher than No. 3." The term "purple mottled or stained" has been interpreted to include soybeans which are discolored by a fungus.

During recent months soybeans which were apparently discolored by legume inoculants and other unknown substances appeared in commercial lots of soybeans in various midwestern grain markets. The soybeans had a distinctly undesirable appearance. It was believed that the discoloration would have a substantial adverse effect on the oil and related by-products produced from the soybeans. For these reasons, grain inspectors licensed under the United States Grain Standards Act were instructed to grade such soybeans "Sample grade, distinctly low quality, because of the presence of an unknown foreign substance."

It has now been found that soybeans can become similarly discolored under certain harvest conditions. It has also been determined that the discoloration apparently does not have a substantial adverse effect on the oil and related by-products produced from the soybeans. For these reasons, it appears that because of the undesirable appearance, the discolored soybeans should be graded lower than No. 1 or No. 2, but should not be graded "Sample Grade, distinctly low quality." Accordingly, it is proposed that the discolored soybeans be considered as purple mottled or stained soybeans and graded not higher than No. 3.

Pursuant to section 8 of the United States Grain Standards Act, as amended (7 U.S.C. 84), the following proposed interpretation of the official grain standards of the United States for soybeans is issued for consideration and comment: *Interpretation with respect to the term "purple mottled or stained."* The term "purple mottled or stained" when used in the Official grain standards of the United States for soybeans (see § 26.603 (a)) shall be construed to include soybeans which are discolored by the growth of a fungus; or by dirt; or by a dirt-like substance, including non-toxic inoculents; or by other non-toxic substances.

Because of the widespread interest in the grading of discolored soybeans, interested parties who desire may submit written data, views, or arguments with respect to the proposed interpretation to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, to be received by him not later than 10 days after the date of this notice. Consideration will be given to the written data, views and arguments received by the Director and to other information available to the United States Department of Agriculture before a final interpretation is issued.

Done at Washington, D.C., this 8th day of October 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63–10799; Filed, Oct. 10, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–AL–11]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Northway, Alaska, terminal area:

1. The Northway control zone is designated within a 5-mile radius of the Northway Airport, and within 2 miles either side of the Northway radio range northwest course extending from the 5-mile radius zone to 12 miles northwest of the radio range.

2. The Northway transition area is designated as that airspace extending upward from 1,200 feet above the surface within 16 miles northeast and 25 miles southwest of the 307° and 127° True bearings from the Northway radio range, extending from 22 miles southeast to 42 miles northwest of the radio range.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Northway area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Northway control zone by redesignating it to comprise that airspace within a 5-mile radius of Northway Airport (latitude 62°57′43″ N., longitude 141°55′27″ W.), and within 2 miles each side of the Northway radio range northwest course, extending from the 5-mile radius zone to 8 miles northwest of the radio range.

2. Alter the Northway transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within 5 miles northeast and 8 miles southwest of the 307° and 127° True bearings from the Northway radio range, extending from 8 miles southeast to 12 miles northwest of the radio range; and that airspace extending upward from 1,200 feet above the surface within 16 miles northeast and 25 miles southwest of the 307° and 127° True bearings from the Northway radio range, extending from 22 miles southeast to 42 miles northwest of the radio range.

The actions proposed herein would, in part, alter the Northway control zone by reducing the control zone northwest extension from 12 miles to 8 miles northwest of the radio range. The portion released would no longer be required for air traffic control purposes. The portion of the Northway transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures conducted beyond the limits of the Northway control zone. The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures beyond the limits of the proposed 700 foot area. The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained, together with the additional portions proposed for designation herein, would provide protection for aircraft executing prescribed holding, approach and departure procedures with the Northway terminal area.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area, and no revisions to prescribed instrument approach procedures would be required by the actions proposed herein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief,

Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10769; Filed, Oct. 10, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–EA–46]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Zanesville/Coshocton, Ohio, terminal area:

1. The Zanesville control zone is presently designated within a 5-mile radius of the Zanesville Municipal Airport and within 2 miles either side of a 210° bearing from the Municipal Airport extending from the 5-mile radius zone to 10 miles southwest of the airport.

2. Portions of the Pittsburgh, Pa., Cincinnati and Columbus, Ohio, control area extensions.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Zanesville/Coshocton area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Zanesville control zone by redesignating it as that airspace within a 5-mile radius of the Zanesville Municipal Airport (latitude 39°56′40″ N., longitude 81°53′20″ W.); within 2 miles each side of the 210° True bearing from the Zanesville RBN, extending from the 5-mile radius zone to 7 miles southwest of the RBN; and within 2 miles each side of the Zanesville VOR 222° True radial, extending from the 5-mile radius zone to 7 miles southwest of the VOR, excluding that airspace within a 1-mile radius of the Riverside Airport, Zanesville (latitude 39°59′10″ N., longitude 81°59′00″ W.).

2. Designate the Zanesville transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Zanesville Municipal Airport; within 2 miles each side of the 210° True bearing from the Zanesville RBN, extending from the 7-mile radius area to 8 miles southwest of the RBN, and within 2 miles each side of Zanesville VOR 222° True radial, extending from the 7-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°53′15″ N., longitude 81°03′15″ W., to latitude 39°43′-00″ N., longitude 81°13′00″ W.; to latitude 39°40′00″ N., longitude 81°30′00″ W.; to latitude 39°40′00″ N., longitude 82°00′00″ W.; to latitude 39°52′25″ N., longitude 82°13′00″ W.; thence direct to the Tiverton, Ohio, VOR; to the Newcomerstown, Ohio, VOR; to the intersection of the Imperial, Pa., VORTAC 249° True radial and the arc of a 60-mile radius circle centered on the Imperial, Pa., VORTAC; thence via this arc to the point of beginning.

3. Designate the Coshocton transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Universal-Cyclops Airport (latitude 40°12′15″ N., longitude 81°52′55″ W.), and within 2 miles each side of the Zanesville VOR 002° True radial, extending from the 6-mile radius area to 12 miles north of the Zanesville VOR.

The proposed alteration of the Zanesville control zone would increase the over-all size of the control zone by the addition of a short extension to provide protection for aircraft executing prescribed VOR instrument approach procedures.

The proposed designation of the Zanesville and Coshocton transition areas would raise the floor of controlled airspace beyond 6- and 7-mile radius circular areas, with extensions, around the Zanesville Municipal and Universal-Cyclops Airports, from 700 to 1,200 feet above the surface. The portions of controlled airspace released by these actions would become available for other aeronautical purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures within this area.

The floors of the airways which traverse the transition areas proposed herein and the floor of the portions of the Pittsburgh, Pa., Cincinnati and Columbus, Ohio, control area extensions which coincide with the proposed transition areas would automatically assume a floor coincident with the floors of the transition areas. Revocation of these control area extensions will be processed at a later date as a part of the CAR Amendments 60–21/60–29 implementation programs proposed for the terminal areas which adjoin the Zanesville area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be introduced nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 4, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63–10770; Filed, Oct. 10, 1963; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 320]

NONPRISMATIC INSTRUMENTS MISREPRESENTED AS "BINOCULARS"

Notice of Proposed Trade Regulation Rule Making Proceeding and Opportunity to Present Data, Views or Argument

Notice is hereby given that the Federal Trade Commission pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Subpart F of Part 1 of the Commission's procedures and rules of practice, 28 F.R. 7083–84 (July 1963) has initiated a Trade Regulation Rule proceeding for the establishment of a Trade Regulation Rule relating to the misrepresentation of nonprismatic in-

struments as "binoculars." The Commission, having reason to believe that (1) the use of the word "binocular" to describe nonprismatic viewing instruments and (2) the appearance of nonprismatic two tube viewing instruments having bulges along such tubes have the capacity and tendency to mislead and deceive prospective purchasers into the belief that such instruments contain prisms, in violation of section 5 of the Federal Trade Commission Act, has initiated this proceeding. The proposed rule is as follows:

§ 320.3 Misrepresenting nonprismatic instruments as "binoculars."

In connection with the sale or offering for sale of two tube (barrel) viewing instruments in commerce, as "commerce" is defined in the Federal Trade Commission Act, manufacturers, distributors and other marketers thereof shall not:

(a) Represent in any manner that nonprismatic two tube (barrel) viewing instruments are prismatic; or

(b) Use the words "binocular" or "binoculars" to describe instruments not equipped with functional prisms; or

(c) Fail to make clear and conspicuous disclosure of the fact that nonprismatic products having bulges on the tubes which create the characteristic appearance of prismatic instruments are not prismatic. The disclosure required by this section shall be made in all pictorial sales promotional literature and on the instrument or on a label or tag affixed thereto with such degree of permanency as to remain thereon until consummation of consumer sale.

All persons, firms, corporations, or others engaged in the sale or distribution of binoculars, field glasses and other similar optical instruments in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

All interested persons, including the consuming public, are hereby notified that they may file written data, views or argument concerning the proposed rule with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street at Pennsylvania Avenue NW., Washington 25, D.C., not later than December 2, 1963. Such written data, views or argument should be filed in duplicate.

All interested parties are also hereby given notice of opportunity to orally present data, views or argument with respect to the proposed rule at a hearing to be held at 10 a.m., e.s.t., on November 15, 1963 in Room 532 of the Federal Trade Commission Building, Washington, D.C.

The data, views or argument presented orally or in writing respecting the proposed rule will be available for examination by interested parties at the office of the Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

The Commission in this proceeding will also consider its action in the matter of Benjamin D. Ritholz, et al., Docket 5759, 50 FTC 184 (July 6, 1953) including its record, Findings, Decision and Order To Cease and Desist. The public record in the matter is available for examination at the office of the Federal Trade Commission, Washington, D.C.

Advertising and sales promotional literature used in promoting the sale of binoculars, field glasses and other similar optical instruments for portable use, indicate that the practice which would be prohibited by the proposed rule is widespread in the industry. This proceeding is designed to inform all industry members of their obligations under the law and assure equitable treatment in complying with the law.

All interested parties, including the consuming public, are urged to express their approval or disapproval of the proposed rule and give a full statement of their views in connection therewith.

Issued: October 10, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10558; Filed, Oct. 10, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

BUREAU INTERNATIONAL DE L'EDITION MECANIQUE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bureau International de l'Edition Mecanique (BIEM), Paris, France, Claim No. 41887, Vesting Order No. 2095, $210.04 in the Treasury of the United States.

Executed at Washington, D.C., on October 7, 1963.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-10822; Filed, Oct. 10, 1963; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Hertford County, North Carolina, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10782; Filed, Oct. 10, 1963; 8:46 a.m.]

NORTH CAROLINA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Carolina and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Washington.

TEXAS

Baylor.	Waller.
Knox.	Washington.
Throckmorton.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10783; Filed, Oct. 10, 1963; 8:46 a.m.]

VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties and areas in the State of Virginia a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

VIRGINIA

Bland.	Pulaski.
Greensville.	Wythe.

That portion of Newport News which was formerly Warwick County.

The area in Hampton City which was formerly Elizabeth City County.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties and areas after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10784; Filed, Oct. 10, 1963; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23-917]

OMNIA K. G. KRAUSS, WEISS AND CO. AND FRIEDERICH ZIFFER

Order Temporarily Denying Export Privileges

In the matter of Omnia K. G. Krauss, Weiss and Company and Friederich Ziffer, 30A Hanauerstrasse, Munich 54, Federal Republic of Germany, respondents.

The Export Control Investigations Division, Bureau of International Commerce, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was requested that the order remain in effect pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings, as may be deemed proper under the law, against said respondents.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for sixty days.

The evidence presented shows that Omnia K. G. Krauss, Weiss & Company is a limited partnership with a place of business in Munich, Federal Republic of Germany, and that Friederich Ziffer (sometimes known as Fritz Ziffer) is a silent partner in said firm and is its sales manager.

The evidence and recommendation of the Compliance Commissioner have been considered. There is substantial basis to believe that the respondents have been and are engaged in obtaining commodities of U.S. origin and have been diverting and transshipping such commodities to destinations in contravention of the United States Export Control Act and regulations thereunder, and that said respondents will continue such conduct in contravention of said Act and regulations unless U.S. export privileges are temporarily denied. I find that an order

temporarily denying export privileges to the respondents is reasonably necessary for the protection of the public interest and national security. *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of sixty days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Control Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C. at the earliest convenient date.

Dated: October 8, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 63-10767; Filed, Oct. 10, 1963; 8:45 a.m.]

[File 23-932]

PI-MO K. PIRKER AND CO. ET AL.

Order Denying Export Privileges for an Indefinite Period

In the matter of PI-MO K. Pirker & Co., Mollardgasse 64, Vienna VI, Austria, respondent; Mr. Karl Pirker, Mrs. Elfriede Mondschein, Mollardgasse 64, Vienna VI, Austria, related parties.

The Acting Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above respondent all export privileges for an indefinite period because of the failure of said respondent to furnish responsive answers to interrogatories and certain documents requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). In accordance with the usual practice, the application was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence shows, and I find, that PI-MO K. Pirker & Company is a partnership with a place of business in Vienna, Austria, and that Mr. Karl Pirker and Mrs. Elfriede Mondschein are the principals of said firm; that the aforesaid Investigations Division is conducting an investigation into the disposition by said firm of certain electronics equipment of U.S. origin purchased and received by said firm.

It is impracticable to issue a subpoena to the respondent, and relevant and material interrogatories were served on it pursuant to § 382.15 of the Export Regulations. The respondent has failed to furnish answers to said interrogatories or to furnish certain documents therein requested, as required by said section and good cause for such failure has not been shown. I find that an order denying export privileges to the respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

I further find that Mr. Karl Pirker and Mrs. Elfriede Mondschein by reason of their ownership, control, and positions of responsibility are related parties to the respondent firm and this order is hereby made applicable to said individuals, and for the purposes of this order they are considered to be respondents. *On the basis of the foregoing, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e)

in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent, PI–MO K. Pirker & Company provides responsive answers, written information and documents in response to the interrogatories heretofore served upon it or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. During the time when any respondent, related party, or other person or firm included within the terms of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent, related party, or such other person or firm included within the terms of this order, or whereby any such respondent, related party, or such other person or firm may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or carry on negotiations with respect to such transactions, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

Dated: October 9, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc 63–10768; Filed, Oct. 10, 1963; 8:45 a.m.]

Maritime Administration

TROOPSHIPS

Notice of Availability

Pursuant to the provisions of Public Law 86–575, eighteen C4 troopships, owned by the Maritime Administration, U.S. Department of Commerce, are available to American steamship operators in exchange for their older and less efficient ships. As required by the statute, approval from the Department of Defense has been received for the release of these ships. Applications for the C4 troopships have been received from several companies. Additional applications should be submitted to the Maritime Administration on or before November 15, 1963.

Assignment of these ships will be made in accordance with the provisions of General Order 92 as published in the FEDERAL REGISTER issue of March 1, 1962 (27 F.R. 2011) except that applications will be closely scrutinized to determine the requirements of the contemplated trade, type of conversion and resulting efficiency of the ship, the applicant's operating ability and financial responsibility, private financial assistance available to the applicant, the extent by which the Merchant Marine is upgraded, and other factors having a bearing on the intent of the Ship Exchange law. Shipowners having applications on file and those filing new applications should furnish information relating to the aforementioned factors. The C4's available for assignment are:

Name	Type	Fleet
Marine Swallow	C4–S–A3	Hudson River, N.Y.
Ernie Pyle	C4–S–A3	James River, Va.
Gen. G. O. Squier	C4–S–A1	Do.
Gen. J. R. Brooke	C4–S–A1	Do.
Gen. Omar Bundy	C4–S–A1	Do.
Marine Falcon	C4–S–A3	Do.
Marine Flasher	C4–S–A3	Do.
Marine Jumper	C4–S–A3	Do.
Marine Marlin	C4–S–A3	Do.
Marine Perch	C4–S–A3	Do.
Marine Shark	C4–S–A3	Do.
Marine Tiger	C4–S–A3	Do.
Gen. O. H. Ernst	C4–S–A1	Suisun Bay, Calif.
Marine Cardinal	C4–S–A3	Do.
Marine Devil	C4–S–B2	Do.
Marine Dragon	C4–S–B2	Do.
Gen. H. L. Scott	C4–S–A1	Olympia, Wash.
Gen. T. H. Bliss	C4–S–A1	Do.

Principal characteristics of the C4's are: Length overall, 522′ 10″; beam, 71′ 6″; speed, 17 knots; deadweight tonnage, approximately 15,000.

Dated: October 8, 1963.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 63–10841; Filed, Oct. 10, 1963; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additive Ethyl Acrylate-Acrylonitrile-Methacrylic Acid Copolymer

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1218) has been filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, proposing the issuance of a regulation to provide for the safe use of ethyl acrylate-acrylonitrile-methacrylic acid copolymer food-contact coatings for paper and paperboard.

Dated: October 4, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63–10789; Filed, Oct. 10, 1963; 8:47 a.m.]

OLIN MATHIESON CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additive Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Olin Mathieson Chemical Corporation, New Haven, Connecticut, has withdrawn its petition (FAP 60), published in the FEDERAL REGISTER of February 3, 1960 (25 F.R. 916), proposing the issuance of a regulation to establish a tolerance of 4 parts per million (0.0004 percent) for chlortetracycline in or on retail fresh meat cuts.

The withdrawal of this petition is without prejudice to a future filing.

Dated: October 4, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63–10790; Filed, Oct. 10, 1963; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 011697]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 4, 1963.

Notice of an application Serial No. Oregon 011697, for withdrawal and

reservation of lands described below was published as Federal Register Document No. 61–7923 on page 7742 of the issue for August 18, 1961. The applicant agency has cancelled its application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 295, any of the lands which are in Federal ownership will be at 10:00 a.m. on October 28, 1963, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

OREGON

WILLAMETTE MERIDIAN

Ochoco National Forest

T. 13 S., R. 20 E.,
Sec. 35, E½E½SE¼;
Sec. 36, W½SW¼, N½SE¼.
T. 13 S., R. 24 E.,
Sec. 17, SW¼NE¼, NW¼NW¼, S½NW¼, N½S½, SE¼SW¼, SW¼SE¼;
Sec. 18, NE¼NE¼.
T. 14 S., R. 17 E.,
Sec. 2, Lot 1, SE¼NE¼, E½SE¼;
Sec. 3, SW¼NW¼;
Sec. 6, Lots 5, 6, SW¼NE¼, SE¼NW¼;
Sec. 10, NE¼NW¼, NW¼SW.
T. 14 S., R. 18 E.,
Sec. 8, SE¼.
T. 14 S., R. 20 E.,
Sec. 2, Lots 1, 2, SE¼NE¼, SE¼;
Sec. 11, N½NE¼;
Sec. 14, NE¼, N½SE¼;
Sec. 24, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼.
T. 14 S., R. 21 E.,
Sec. 19, Lot 4, E½SW¼, SE¼;
Sec. 20, SW¼SW¼;
Sec. 26, SE¼SW¼;
Sec. 30, Lots 1, 3, 4, N½NE¼, SW¼NE¼, NE¼NW¼, E½SW¼, SE¼;
Sec. 31, SE¼NE¼, W½NE¼, N½SE¼, SE¼SE¼;
Sec. 32, SE¼NE¼, W½W½, SW¼SE¼, E½SE¼.
T. 15 S., R. 18 E.,
Sec. 4, All;
Sec. 10, N½NW¼.
T. 15 S., R. 21 E.,
Sec. 5, Lots 1, 2, 3, 4, S½N½, N½S½.

The areas described above aggregate 4,872.05 acres.

M. M. GORECKI,
Acting Manager, Land Office.

[F.R. Doc. 63–10773; Filed, Oct. 10, 1963; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56010]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN KOREA

Restrictions on Entry; Correction

SEPTEMBER 27, 1963.

The document described above was published in the FEDERAL REGISTER of October 3, 1963 (28 F.R. 10683). The list of items in Categories 9, 26, 45, and 54 referred to as published therewith was inadvertently omitted.

The omitted list is published below.

Dated: October 4, 1963.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

T.S.U.S.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES

Category	Description	Item	Statistical suffix
9	Sheeting, carded	[1] 320.	36
		320.	38
		320.	40
		320.	44
		321.	44
		322.	44
		326.	36
		[2] 326.	38
		326.	40
		326.	44
		327.	44
		328.	44
26	Woven fabric, not elsewhere specified, other, carded [3]	320.	02
		320.	04
		320.	06
		320.	08
		320.	*22
		321.	34
		321.	*68
		321.	76
		321.	88
		321.	92
		322.	02
		322.	04
		322.	06
		322.	08
		322.	*22
		322.	34
		320.	*34
		320.	68
		320.	76
		320.	88
		320.	92
		321.	02
		321.	04
		321.	06
		321.	08
		321.	*22
		321.	*68
		322.	76
		322.	88
		322.	92
		323.	02
		323.	04
		323.	06
		323.	08
		323.	*22
		323.	*68
		323.	76
		323.	88
		323.	92
		324.	02
		324.	04
		324.	06
		324.	08
		324.	*22
		324.	*68
		324.	76
		324.	88
		324.	92
		324.	02
		325.	04
		325.	06
		325.	08
		325.	*22
		325.	*68
		325.	76
		325.	88
		325.	92
		325.	02
		[3] 326.	04
		326.	06
		326.	08
		326.	*22
		326.	34
		326.	*68
		326.	76
		326.	88
		326.	92
		326.	02
		327.	04
		327.	06
		327.	08
		327.	*22
		327.	34
		327.	*68
		327.	76
		327.	88
		327.	92
		327.	02
		328.	04
		328.	06
		328.	08
		328.	*22
		328.	34
		328.	*68
		328.	76
		328.	88
		328.	92
		328.	02
		329.	04
		329.	06
		329.	08
		329.	*22
		329.	*68
		329.	76
		329.	

See footnotes at end of table.

T.S.U.S.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES—Continued

Category	Description	Item	Statistical suffix
26	Woven fabric, not elsewhere specified, other, carded [3] (continued)	329.--	88
		329.--	92
		330.--	02
		330.--	04
		330.--	06
		330.--	08
		330.--	*22
		330.--	*68
		330.--	76
		330.--	88
		330.--	92
		331.--	02
		331.--	04
		331.--	06
		331.--	08
		331.--	*22
		331.--	*68
		331.--	76
		331.--	88
		331.--	92
		332.10	20
		346.30	20
		346.32	20
		346.35	20
		346.40	20
		346.45	20
		346.70	00
		357.05	12
		357.05	16
45	Shirts, dress, not knit, men's and boys'	380.03	57
		380.03	58
		380.27	52
		380.27	55
		380.27	59
		380.27	62
		380.27	65
		380.27	59
54	Playsuits, sunsuits, washsuits, creepers, rompers, etc., not knit, not elsewhere specified	380.03	56
		380.39	12
		382.03	71
		382.33	28
		382.33	30
		382.33	32

[1] The fourth and fifth digits represent average yarn number or average yarn number groups (e.g., 01 through 79 represent average yarn numbers 1 through 79; 80 represents average yarn numbers 80 through 89; 92 represents average yarn numbers 140 through 159, etc.).

[2] The phrase "chief value, but not wholly of cotton" as it appears in the description of items 326 through 331 means "containing (in addition to cotton) silk or man-made fibers, or both, but not containing other fibers."

[3] Includes lawn and voile. The item numbers for lawn and voile are enumerated in categories 11, 12, 13 and 14. Until historical data for these commodities have been established, however, imports will be reported in category 26 if carded and 27 if combed.

[F.R. Doc. 63-10762; Filed, Oct. 10, 1963; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC., AND TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 13, set forth below, to Facility License No. R-46. The license authorizes Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York ("the licensee") to possess and operate the IRL nuclear research reactor ("the reactor") located in Plainsboro Township, Middlesex County, New Jersey. The amendment authorizes the licensee (1) to operate the reactor at power levels in excess of five megawatts, but not in excess of five and one-half megawatts (thermal) for periods of time not to exceed five minutes in any one week, for the sole purpose of performing routine dynamic tests of the high flux scram feature, and (2) to utilize, within the reactor, core components in which experiment capsules may be placed for irradiation, in accordance with the procedures and subject to the limitations in License No. R-46, as amended, and in the application for license amendment dated June 21, 1963.

The Commission has found that:

(1) Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and copy of the application for license amendment dated June 21, 1963, both of which are available for public inspection at the Commisison's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 3d day of October 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[Licese No. R-46; Amdt. No. 13]

License No. R-46, as amended, issued to Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York, ("the licensee") is hereby further amended as follows:

1. In addition to the activity as authorized under Paragraph 4.A.(1) of Facility License No. R-46, as amended, the licensee is hereby authorized to operate the reactor at power levels in excess of five megawatts, but not in excess of five and one-half megawatts (thermal), for periods of time not to exceed five minutes in any one week, for the sole purpose of performing routine dynamic tests of the high flux scram feature.

2. The licensee is further authorized to utilize, within the reactor, core components in which experiment capsules may be placed for irradiation, subject to the following limitations:

a. No such component shall be larger in cross-section than a standard fuel element.

b. Each such component shall be provided with sufficient water coolant to assure that no boiling of the primary cooling system water shall occur within or about the component.

c. No fuel element surface, by reason of its proximity to any such component or contained experiment capsule, shall be permitted to attain a temperature above which local boiling of the primary system at that point would be predicted to occur.

d. Any experiment capsule within such a component, involving material which would be highly corrosive to reactor components if released into the pool water must be provided with a double barrier between the material and the pool water and a method of leak detection shall be provided between the double barrier.

e. Any experiment capsule within such a component in which pressures are maintained, or could credibly be developed, in excess of 40 psia must be provided with a double barrier between the high pressure zone and the core component. Safety relief devices shall be provided to prevent excess pressure.

f. Each such core component shall be positioned on the core grid plate in the same manner as is a standard fuel element. Any

core component or capsule which could be displaced accidentally from its normal position in the reactor shall be provided with a hold-down device.

g. Reactivity of experiment capsules in such core components shall be limited by Paragraph 4.A.(2) of the license.

h. Limitations and procedures for the manipulation of the experiment capsules and the core components shall be as stated in Paragraph 4.A.(5) of the license.

i. Procedures for the review of the design and use of such core components and any contained experiment capsules shall be as described in the application for amendment to this license dated July 18, 1960.

3. The activities authorized in this amendment shall be conducted in accordance with the procedures and subject to the limitations in License No. R–46, as amended, and in the licensee's application dated June 21, 1963.

This amendment is effective as of the date of issuance.

Dated of issuance: October 3, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63–10765; Filed, Oct. 10, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15183; FCC 63–897]

CENTRAL SOUTH DAKOTA BROADCASTING CO. (KEZE)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Central South Dakota Broadcasting Company (KEZE), Huron, South Dakota, Docket No. 15183, File No. BP–15395; requests: 1530 kc, 1 kw, Day; for construction permit.

1. The Commission has before it for consideration a "Petition for Reconsideration" filed on July 8, 1963, by James Valley Broadcast Company, licensee of Station KIJV, Huron, South Dakota, directed against the Commission's action of June 18, 1963 (Public Notice 3741, dated June 19, 1963) granting without hearing the above application; and pleadings in opposition and reply thereto.

2. Petitioner bases its claim of standing on the fact that it is the licensee of the only existing station in the community which the permittee seeks to serve and that the two parties would compete for advertising revenues and listeners. We find that petitioner is a "person aggrieved" within the meaning of section 405 of the Communications Act of 1934, as amended. F.C.C. v. Sanders Brothers, 309 U.S. 470 9 R.R. 2008 (1940).

3. In explaining its failure to file a pre-grant petition to deny, petitioner asserts, and we agree, that substantially all of the information contained in the petition resulted from an analysis of the financial amendment filed on May 22, 1963, and that the allegations are of such a serious nature the public interest requires that the petition be considered on its merits. Accordingly, we find that petitioner has made a proper showing of good cause under § 1.84(c) of the rules.

4. Petitioner requests that the Commission designate the application for hearing upon the following issue: "To determine whether the applicant in File No. BP–15395 has misrepresented the financial assets and liabilities of its principals; and in the light of the evidence adduced thereunder to determine the character qualifications of the applicant."

5. In support of its request, petitioner alleges, in substance, that Mr. Tracy Gitchell, president and majority stockholder of the permittee and Dwight Coursey, vice-president and twenty-four percent stockholder failed to disclose the existence of certain notes, mortgages, liens and other liabilities, the net effect of which was to mislead the Commission into finding that there were sufficient funds available to construct and operate the proposed station.

6. In opposition the permittee admits that a note and chattel mortgage was inadvertently omitted from the Coursey balance sheet but contends that the omission was immaterial in that Coursey was to receive his stock for services and was not obliged to furnish funds for construction. It is also admitted that certain liabilities were not included in Gitchell's balance sheet but any intent to deceive or mislead the Commission is denied. In support of this contention the permittee submitted a revised financial statement purporting to show that while certain liabilities were omitted so were corresponding assets which, when taken into account, indicate that Gitchell had a greater net worth than originally claimed. In brief, the permittee attempts to explain, refute, or deny all of the allegations contained in the petition.

7. We find that petitioner has alleged certain facts with sufficient specificity to raise substantial and material questions concerning the qualifications of the permittee, both as to character and financial ability. One central fact is beyond dispute. The balance sheets in the application are, at least to some degree, incomplete and inaccurate. The extent of the deficiencies and the intent of the parties can be determined only after all the facts and concomitant circumstances are brought forth in an evidentiary hearing.

8. In view of the foregoing, the Commission is of the opinion that the grant of the above-captioned application should be set aside and that the application should be designated for hearing.

Accordingly, it is ordered, That, the grant of the application of Central South Dakota Broadcasting Company is set aside.

Except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues;

1. To determine whether Central South Dakota Broadcasting Company, or any party thereto, made misrepresentations or omissions in the financial portion of its application, File No. BP–15395, or in amendments thereto, and whether full disclosure was made concerning the financial condition of all parties to such application.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether Central South Dakota Broadcasting Company, or any of its officers or directors, possess the requisite character qualifications to be a licensee or permittee of the Commission.

3. To determine whether Central South Dakota Broadcasting Company is financially qualified to construct and operate its proposed station.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the "Petition for Reconsideration" filed July 8, 1963 by James Valley Broadcast Company, is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That James Valley Broadcast Company, licensee of Station KIJV, is made a party to the proceeding.

It is further ordered, That in the event of a grant of the application, the construction permit shall contain the following conditions:

Permittee shall accept any interference that may result in the event of a subsequent grant of the Grand Strand Broadcasting Corporation proposal, File No. BP–15191.

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, permittee shall submit sufficient field intensity measurement data, made and analyzed according to the Commission's rules, to clearly show that the radiation pattern is essentially non-directional as proposed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the

Commission's rules, give notice of the hearing, and consistent with the rules, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

Adopted: October 3, 1963.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10792; Filed, Oct. 10, 1963; 8:47 a.m.]

[Docket No. 15184; FCC 63-898]

JERRELL A. SHEPHERD AND MOBERLY BROADCASTING CO. (KNCM)

Order Designating Application for Hearing on Stated Issues

In re application of Jerrell A. Shepherd tr/as Moberly Broadcasting Company (KNCM), Moberly, Missouri, Docket No. 15184, File No. BP-15256; for construction permit to make changes in antenna and ground systems.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of October 1963.

The Commission having under consideration the above-captioned and described application and related correspondence;

It appearing, That the proposed operation would cause objectionable cochannel interference to Radio Stations: KFJB, Marshalltown, Iowa; KLWT, Lebanon, Missouri; KTNC, Falls City, Nebraska, and WHCO, Sparta, Illinois; and first adjacent channel interference to Radio Station KWOS, Jefferson City, Missouri; and

It further appearing, That, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate as proposed; however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified by subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Radio Stations KFJB, KLWT, KTNC, KWOS, WHCO, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Marshall Electric Company, Lebanon Broadcasting Company, Fall City Broadcasting Company, Capital Broadcasting Company, and Hirsch Communication Engineering Corporation, licensees of Radio Stations KFJB, KLWT, KTNC, KWOS and WHCO, respectively, are made parties to this proceeding.

It is further ordered, That in the event of a grant of the instant application, the construction permit shall contain the following conditions:

Permittee shall accept any interference that may result in the event of a subsequent grant of any Class IV power increases.

Permittee shall comply with Paragraphs 1, 3, 4, 13, 21 and 22 of FCC Form 715.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10793; Filed, Oct. 10, 1963; 8:47 a.m.]

[Docket Nos. 15185, 15186; FCC 63-899]

SUNBEAM TELEVISION CORP. AND COMMUNITY BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Sunbeam Television Corporation, Miami, Florida, Docket No. 15185, File No. BRCT-540, for renewal of license of Television Station WCKT; and Community Broadcasting Corporation, Miami, Florida, Docket No. 15186, File No. BPCT-3206, for construction permit for New VHF Television Broadcast Station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on this 3d day of October 1963;

The Commission having under consideration the above-captioned applications, one filed by Community Broadcasting Corporation (Community) requesting a construction permit for a new television broadcast station to operate on Channel 7, Miami, Florida, the other, filed by Sunbeam Television Corporation (Sunbeam) requesting a renewal of its existing license, granted March 11, 1963 (BLCT-1261), authorizing the operation of a television broadcast station, also on Channel 7, Miami, Florida; and

It appearing, That the above-captioned applications are mutually exclusive in that operation of both applicants as proposed would result in mutually destructive interference; and

It further appearing, That upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary, and that both Community and Sunbeam are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Sunbeam Television Corporation and Community Broadcasting Corporation are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, on the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, Community Broadcasting Corporation and Sunbeam Television Corporation, pursuant to § 1.40(c) of the rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10794; Filed, Oct. 10, 1963; 8:47 a.m.]

[Docket No. 15182; FCC 63-892]

J. J. TENNANT CO. AND "ALASKA SPRUCE"

Order Designating Matter for Oral Argument

In the matter of application for exemption from the radiotelegraph provisions of Title III, Part II of the Communications Act of 1934, as amended, filed on behalf of the United States cargo ship "Alaska Spruce," 2447 gross tons; Docket No. 15182.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 3d day of October 1963;

The Commission having before it a request for reconsideration of its Memorandum Opinion and Order, adopted June 5, 1963 (FCC 63-521), denying an application filed by J. J. Tennant Company, 206 Oregon Bank Building, Portland, Oregon, for exemption of the vessel "Alaska Spruce," 2447 gross tons, from the radiotelegraph provisions of Title III, Part II of the Communications Act of 1934, as amended, and petitioner's related request for an oral hearing in the matter;

It appearing, That an oral argument should be held on this matter:

It is ordered, That the above-captioned matter is hereby designated for oral argument to be held before a panel of Commissioners to consist of Commissioners Hyde, Cox, and Loevinger, commencing at 2:30 p.m. on November 7, 1963 in Washington, D.C.:

It is further ordered, That petitioner, J. J. Tennant Company, and Chief, Safety and Special Radio Services Bureau are hereby made parties to this proceeding and are alloted thirty minutes each for presentation of oral argument:

It is further ordered, That all parties wishing to participate in this proceeding shall file written notice of such intention to appear and participate within fifteen days of the release date of this Order.

Released: October 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-10795; Filed, Oct. 10, 1963; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1567]

INVESTORS DIVERSIFIED SERVICES, INC.

Notice of Filing of Application for Order Exempting Transactions Between Affiliates

OCTOBER 7, 1963.

Notice is hereby given that Investors Diversified Services, Inc. ("applicant"), Minneapolis, Minnesota, a registered face-amount certificate company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act the sale to applicant by Frances K. Mahoney of her holdings of common capital stock of The Roanoke Building Company ("Roanoke"), a Delaware corporation. All interested persons are referred to the application, which is on file with the Commission, for a full statement of applicant's representations which are summarized below.

Applicant owns 1,565 shares of the common stock of Roanoke or 26.3 percent of the total number of shares outstanding. Mrs. Mahoney owns 630 shares or 10.6 percent of the total shares outstanding. Mrs. Mahoney is therefore an affiliated person of an affiliated person (Roanoke) of applicant.

Section 17(a) of the Act, insofar as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from, such registered company or any company controlled by such company securities or property, unless the Commission upon application pursuant to section 17(b), grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

The principal asset of Roanoke is the leasehold estate and improvements known as the Roanoke Building located at the southeast corner of Seventh Street and Marquette Avenue, Minneapolis, Minnesota. The leasehold estate arises from a ground lease entered into on October 25, 1926, at an annual rental of $36,001 which lease expires on October 31, 2026. The fee is owned by the Baker Block Land Trust which is 51 percent owned by Baker Properties and 49 percent owned by I.D.S. The Roanoke Building Company is also 51 percent owned by Baker Properties and, in addition to I.D.S. and Mrs. Mahoney, has 41 other minority shareholders who own 12.1 percent of the outstanding common stock of the Roanoke.

Applicant desires to purchase the other minority interests in Roanoke because it and Baker Properties, the majority stockholder of Roanoke, believe it would be economically feasible and desirable to expand the present building and that the same ownership interests as exist in the Baker Block Land Trust are desirable in Roanoke to justify commitments to the expansion of the building and to assure the necessary cooperation by equity owners in the expansion.

Applicant has agreed to pay Mrs. Mahoney, and offered to pay all other minority shareholders, $150 per share for each share of common stock of Roanoke held. The application states that the stock of Roanoke is neither listed on any securities exchange nor are price quotations available and that, accordingly, the best valuation of the stock can be made by determining the fair value of the real estate comprising the sole underlying asset and then converting this into a per share value. The price to be paid, in the instant application, is based upon the application of an 8 percent capitalization rate to the projected 1962 net income of Roanoke before depreciation, interest, and income tax, which represents a 4 percent increase over the amount of such income in 1961. The application discloses that since 1957 there have been six major sales of downtown office buildings in Minneapolis and that, by relating the net income earned before deductions for depreciation, interest and income taxes in each of the properties sold to the sale price, the capitalization rate indicated ranged from 7.7 percent to 8.48 percent.

Notice is further given that any interested person may, not later than October 22, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-10779; Filed, Oct. 10, 1963; 8:46 a.m.]

[File No. 7-2343]

BRISTOL-MYERS CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 7, 1963.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission

pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Bristol-Myers Company--------- File 7-2343

Upon receipt of a request, on or before October 22, 1963 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10780; Filed, Oct. 10, 1963; 8:46 a.m.]

[File No. 24D-2526]

PIKE'S PEAK NATIONAL LIFE INSURANCE CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 7, 1963.

I. Pike's Peak National Life Insurance Company (issuer), 312 PBMI Bldg., Denver, Colorado, filed with the Commission on August 1, 1961 a notification on Form 1-A and an offering circular relating to a public offering of 150,000 shares of $1.00 par value, Class A common, non-voting stock at $2.00 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. By amendment, John B. Bennet, doing business as Bennet Brokerage and Agency, was named as underwriter for the proposed offering on a best-efforts basis.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has become subject to Rule 261(a)(5) in that a permanent injunction has been issued in the District Court of Shawnee County, Kansas, enjoining United Underwriters, Ltd., an affiliated issuer, its officers, employees and agents from further violation of the provisions of the Kansas Securities Act in the offer and sale of securities of United Underwriters, Ltd.

2. The amount of the offering plus the offer and sale of securities of its affiliate, United Underwriters, Ltd., as computed in accordance with the requirements of Rule 254, exceed the $300,000 maximum limitation provided by Rule 254(a) of Regulation A.

3. The issuer failed to furnish the information required by Items 8(b), 9 (a) and (c) and 10 of Form 1-A.

4. The issuer failed to file copies of sales material used in connection with the offering of securities pursuant to Rule 258.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose that an action was filed and a permanent injunction was issued in the District Court of Shawnee County, Kansas, enjoining United Underwriters, Ltd., an affiliated issuer, its officers, employees and agents from further violations of the provisions of the Kansas Securities Act.

2. The failure to disclose that United Underwriters, Ltd., an affiliated issuer, was offering and selling securities in violation of the registration requirements of the Securities Act of 1933, as amended, and in violation of the provisions of the Kansas Securities Act.

3. The failure to disclose that the issuer was offering its securities in violation of the Kansas Securities Act.

C. The offering has been and would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-10781; Filed, Oct. 10, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 878]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 8, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66151. By order of October 3, 1963, the Transfer Board approved the transfer to Wertz Truck Line, Inc., 207 East D Avenue, Lawton, Okla., of permit in No. MC 62298, issued October 26, 1956, to Ralph Wertz, doing business as Wertz Truck Line, 207 East D Avenue, Lawton, Okla., authorizing the transportation of: Dairy products, and frozen foods, between Lawton and Guthrie, Okla., on the one hand, and, on the other, Omaha, Nebra., Dodge City, Concordia, and Council Grove, Kansas., and, from Lawton and Guthrie, Okla., to points in a specified part of Texas and Louisiana; and, frozen foods, from a specified part of Texas and Louisiana, to Lawton and Guthrie, Okla., and empty containers used in transporting said commodities, on the return.

No. MC-FC 66170. By order of October 3, 1963, the Transfer Board approved the transfer to Ralph Shoemaker, doing business as Shoemaker Trucking Co., Boise, Idaho, of certificate in No. MC 114265, issued July 23, 1958, to W. C. Shoemaker and Ralph Shoemaker, a partnership, doing business as Shoemaker Trucking Co., Boise, Idaho, authorizing the transportation of: Lumber, from specified points or parts of Oregon and Washington, to points in that part of Idaho south of the southern boundary of Idaho County, Idaho; and, fertilizer from Pocatello, Idaho, and points within 10 miles thereof, and Wendell, Idaho and points within 5 miles thereof, to points in Malheur, Harney, Baker, and Union Counties, Oreg. Raymond D. Givens, Post Office Box 964, Boise, Idaho, attorney for applicants.

No. MC–FC 66175. By order of October 3, 1963, the Transfer Board approved the transfer to C. A. Woolverton, doing busines as Woolverton Garage, 3819 Winn Road, Kansas City, Mo., of certificate in No. MC 116555, issued December 18, 1957, to H. J. Millington, doing busines as Herb Millington Service, 75th and Holmes, Kansas City, Mo., authorizing the transportation of: Wrecked and disabled motor vehicles, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas.

No. MC–FC 66182. By order of October 3, 1963, the Transfer Board approved the transfer to Caustic Soda Transportation Co., a corporation (West), Asheville, N.C., of certificate in No. MC 106009, issued August 28, 1956, to John Austin Emory, doing business as Caustic Soda Transportation Co. (West), Asheville, N.C., authorizing the transportation of liquid caustic soda, in bulk, in tank trucks, over regular routes, from Canton, N.C., to Lyman, S.C., serving the intermediate points of Travelers Rest and Greenville, S.C., for delivery only; and liquid sulphuric acid, in bulk, in tank vehicles, over irregular routes, from Copperhill, Tenn., to points in Buncombe, Haywood, Henderson, Madison, McDowell, Polk, Transylvania, and Yancey Counties, N.C. Robert R. Williams, Jr., Box 7316, Asheville, N.C., attorney at law.

No. MC–FC 66286. By order of October 3, 1963, the Transfer Board approved the transfer to Albert Kelm, doing business as Kelm Truck Line, Ivanhoe, Minn., of certificate in No. MC 109189, issued June 9, 1963, to L. H. Ellis, doing business as Ellis Truck Line, Hendricks, Minn., authorizing the transportation of groceries, fruits, and vegetables, from Minneapolis and St. Paul, Minn., to points in Hamlin County, S. Dak.; general commodities, excluding commodities in bulk and other specified commodities, from Watertown, S. Dak., to Hendricks, Minn.; building materials, from Fort Dodge, Iowa and points within 5 miles thereof, and Sioux Falls and Rapid City, S. Dak., to Hendricks, Minn.; refrigeration equipment and farm machinery parts, from Sioux Falls, S. Dak., to Hendricks, Minn.; agricultural machinery, from Waterloo, Iowa, to Hendricks, Minn.; animal and poultry feed, from Oelwein, Iowa, to points in Lincoln County, Minn., and those in Brookings, Deuel, and Moody Counties, S. Dak.; and from Sioux City and Oelwein, Iowa, to Hendricks, Minn.; livestock between Hendricks, Minn., and points within 15 miles thereof, on the one hand, and, on the other, Sioux City, Iowa; grain, stoves, twine, furnaces, livestock, and farm machinery, between Hendricks, Minn., and points within 15 miles of Hendricks, on the one hand, and, on the other, points as specified in Minnesota, South Dakota and Iowa; and emigrant movables, between Hendricks, Minn., and points within 15 miles of Hendricks, on the one hand, and, on the other, points in Iowa, South Dakota, and Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., practitioner for applicants.

No. MC–FC 66293. By order of October 3, 1963, the Transfer Board approved the transfer to Joseph A. Martino, doing business as Bedell's Express, Columbiaville, N.Y., of certificate in No. MC 78033, issued July 12, 1961, to Mario Palleschi, doing business as Bedell's Express, Kinderhook, N.Y., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Troy, N.Y., and Hudson, N.Y., serving all intermediate points, and the off-route points of Castleton-on-Hudson, Claverack, Mellenville, Nassau, Newton Hook, Philmont, Rossman, Stockport, and Stottville, N.Y. John J. Brady, Jr., 75 State Street, Albany 7, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 63–10785; Filed, Oct. 10, 1963; 8:47 a.m.]

AUGUST W. KOEHLER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9468, and 28 F.R. 4117) during the six months' period ended September 14, 1963.

No change in my financial interests. Have retired as of January 1, 1963 and am serving as Consultant to the National Association of Motor Bus Owners for life.

Dated: September 26, 1963.

AUGUST W. KOEHLER.

[F.R. Doc. 63–10786; Filed, Oct. 10, 1963; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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